



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.07.2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9840 of 2021

1.Lingarasu
2.Annathanaprabhu
3.Rajendran

... Petitioners/Accused
No.1,2 and 3.

Vs

The State Represented by
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
Cr.No.62 of 2021..

... Respondent/Complainant

For Petitioner : Mr.S.Balamurugan,
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

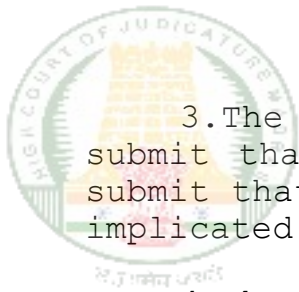
PRAYER :-

For Anticipatory Bail in Crime No.62 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 354 and 506(i) of IPC, in Crime No.62 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the own sister of the first petitioner and other accused are relatives. There was a wordy quarrel between the parties in respect of letting sewage water. On 05.06.2021, the accused have prevented the defacto complainant not to let the sewage water in front of their house and threatened the defacto complainant in filthy language. Hence the complaint.



3.The learned counsel appearing for the petitioners would submit that this is a case and case in counter. He would further submit that the petitioners are innocents and they have been falsely implicated in this case and hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the investigation in this case is not completed.

5.Considering the facts and circumstances of the case and also considering the fact that due to family dispute and the occurrence said to have taken place in a wordy quarrel and this is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/07/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUDHUR.
- 3.THE INSPECTOR OF POLICE,
AVIYOOR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.BALAMURUGAN, Advocate SR.No.4788 dated 23/07/2021.

ORDER
IN
CRL OP(MD) No.9840 of 2021
Date :23/07/2021

SS/JM/SAR-I/27.07.2021 : 3P/6C