



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/07/2021
PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)Nos.10224 & 10225 of 2021

1.Siva
2.Adiyan
3.Periyasamy

... Petitioners/Accused 1,4&5
in Crl.O.P.(MD)No.10224 of 2021

Thamarai Selvam

... Petitioner/6th Accused
in Crl.O.P.(MD)No.10225 of 2021

Vs

The State rep.by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District
Crime No. 436 of 2021.

... Respondent/Complainant
in CRL OP (MD)Nos.10224 & 10225 of 2021

For Petitioners : Mr.K.M.KARUNAKARAN,
(in both Petitions) Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
(in both Petitions) Government Advocate (Crl.Side)

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

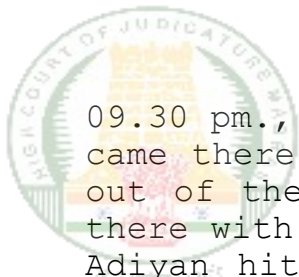
COMMON PRAYER :-

For Anticipatory Bail in Crime No. 436 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 427 and 506(ii) IPC in Crime No.436 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has previous enmity with accused Sooryamorthy in connection with construction business for over seven years. On 29.06.2021, at about



09.30 pm., when he was in house with his family members, the accused came there and scolded him in filthy language and asked him to come out of the house. When he saw out side, all the accused gathered there with wooden-log. Accused vanjinathan caught hold him, accused Adiyam hit him with wooden-log on his head, accused Siva attacked with wooden-log on his right shoulder. The defcto complainant's son Ranjithkumar was attacked by one Periyasamy with wooden-log. When the defacto complainant's uncle son Chandrasekar came there to intervene, he was also attacked by Sooryamorthy and Adiyam with wooden-log. Then, all the accused have criminally intimidated them and also caused damage to the car bearing registration No.TN 49 CX 4654. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners had earlier filed Crl.O.P.(MD)No.8953 of 2021 and the same was dismissed against the petitioners herein that they have previous cases. It is submitted that three previous cases had been registered for the reason that the petitioners had violated the lock down conditions and those cases were registered under Section 270 IPC. The case registered against A5 was disposed of.

4.Perusal of details show that there was case registered under Section 270 IPC against A1 and A4. Out of five cases, four cases have been disposed of. Case against A6 was registered under Sections 294(b), 331, 341 and 506(i) IPC.

5.Taking note of this fresh information furnished by the learned counsel for the petitioner and the fact that there is a counter case also pending, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, 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 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 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.

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[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/07/2021

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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,
PATTUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD)Nos.10224 & 10225
of 2021
Date :30/07/2021