



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9949 of 2021

1.S.Ravindran
2.S.Ranjith
3.S.Dinesh

... Petitioners/Accused Nos.1 to 3

Vs

The State Represented by
The Inspector of Police,
Earvadi Dharga Police Station,
Ramanthapuram District.
Crime No.193/2021.

... Respondent/Complainant

For Petitioner : Mr.I.Sabeer Mohamed,
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.193 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 427 and 506(i) IPC in Crime No.193 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 04.07.2021 at about 08.00 pm., the accused in this case had come to the house of the defacto complainant and scolded him in filthy language. When the defacto complainant came out of the house, he was attacked by the Ravindran and bitten in his right hand. Ranjith, Karthik @ Dinesh had beaten him with sticks. They also damaged the two wheeler bearing registration No.TN 65 AK 1712. then, they made criminal intimidation. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. In fact, a counter case in Cr.No.192 of 2021 registered against the defacto complainant on the basis of complaint given by the first petitioner. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that the injured person had been treated as out patient.

5.Considering the nature of incident where two parties fought with each other and this case and counter case registered and the fact that the injured person had been treated as out patient, 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 Court-II, Ramanathapuram 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.

[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/-

27/07/2021

/ 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,
RAMANATHAPURAM.

2.DO THROUGH THE CHIEF JUDICIAL
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE
EARVADI DHARGA POLICE STATION,
RAMANTHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.I.SABEER MOHAMED, Advocate SR.No.4855 dated 27.07.2021.

ORDER

IN

CRL OP(MD) No.9949 of 2021

Date :27/07/2021

SS/VR/SAR-III/02.08.2021 : 3P/6C