



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10024 of 2021

1. S.Veljothi
2. S.Viswanathan
3. R.Subbaiya ... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
Crime No.199 of 2021. ... Respondent/Complainant

For Petitioner : Mr.V.Rajiv Rufus,
Advocate.

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

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

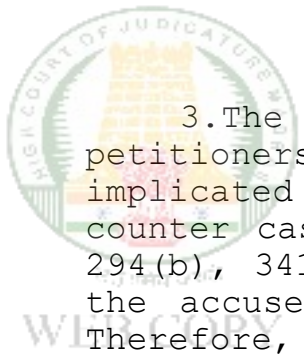
PRAYER :-For Anticipatory Bail in Crime No.199 of 2021 on the file of the Respondent Police.

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, 506(i)IPC in Crime No.199 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a jewelry shop in the name of S.R.V.Jewellers at Keelabajar, Udankudi. On 29.06.2021, at about 04.00 pm., he participated in the final rites of one V.Narayanad Achari. Accused Veljothi, Viswanathan, Subbaiah picked up fight with him and Veljothi scolded him in filthy language and threatened to kill him. One Murugan and Harihara Iyappan reprimanded him. Therefore, he left from there and damaged the defacto complainant's two wheeler bearing registration No.TN 22 CR 5765 with stick. The value of the damage is Rs.3,700/-. All the three accused made criminal intimidation and

<https://hccservices.eformsgov.in/hccservices/> 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. He further submitted that there is a counter case pending in Cr.No.200 of 2021 under Sections 147, 148, 294(b), 341, 323, 506(2) IPC on the basis of the complaint given by the accused Veljothi against the defacto complainant and others. 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 discharged from the hospital and that the petitioners 1 & 2 have previous case in Cr.No.237 of 2020 under Sections 294(b), 341, 506(i) IPC pending against them.

5.It is seen that the incident happened due to fight during funeral ceremony of Narayana Achari in which both the parties fought with each other and this case and a counter case have been registered. It is also seen that the injured person had been discharged from the hospital. Previous case was registered only under Sections 294(b), 341, 506(i) IPC. Taking note of all these factors, this Court is inclined to grant anticipatory bail to the petitioners.

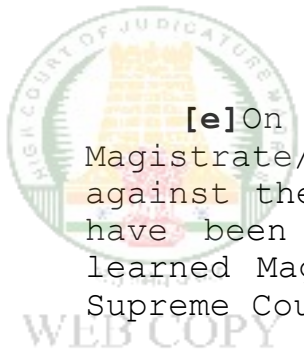
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, Thoothukudi District on condition that the petitioners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

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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,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.V.RAJIV RUFUS, Advocate (SR-4939[I] dated 29/07/2021)

ORDER

IN

CRL OP(MD) No.10024 of 2021

Date :28/07/2021

GNS

MK/JM/SAR.I/02.08.2021/3P/6C