



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10010 of 2021

1. Tamilarasan
2. Selvi
3. Saravanakumar
4. Sasikumar

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Thirupananthal Police Station,
Thanjavur District.
Crime No.779/2021.

... Respondent/Complainant

For Petitioner : Mr.Ilayaraja Kandasamy,
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.779/2021 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), 324, 506(ii) IPC in Crime No.779 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused Tamilarasan are brothers. They have enmity with regard to the landed property. On 18.07.2021, at about 01.00 pm., there was a wordy quarrel between the Selvaraj's wife and Tamilarasan's wife. The defacto complainant and Selvaraj pacified them. Tamilarasan and his wife scolded him in filthy language stating that he was taking sides and making one side approach to the issue. Tamilarasan brought aruval and attacked the defacto complainant on his forehead and right hand. The other accused also joint with Tamilarasan and started attacking the defacto complainant. 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.

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.

5.It is seen that the defacto complainant and petitioners are closely related. Due to the property dispute there was a wordy quarrel, which led to unleashing of violence against the defacto complainant. Considering the facts of the case and the fact that the injured person had been discharged from the hospital, 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, 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 1, 3 & 4 shall report before respondent police daily at 10.30 am., until further orders the second petitioner shall report before the respondent police as and when required.

[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/-
30/07/2021

/ TRUE COPY /

WEB 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANAJVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
THIRUPANANTHAL POLICE STATION,
THANAJVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10010 of 2021
Date :30/07/2021

GNS
MK/JM/SAR.IV/04.08.2021/3P/5C