



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.08.2021

PRESENT

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP (MD)No.10485 of 2021

1.Alagar @ Alkan
2.Karuppiah
3.Malaiyandi
4.Sekar
5.Sumathi

... Petitioners/Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Thiruvengampet Police Station,
Sivagangai District.
In Crime No.223 of 2020.

... Respondent/Complainant

For Petitioners: Mr.M.Pandian,
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-For Anticipatory Bail in Crime no.223 of 2020 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 147, 148, 294(b), 347, 452, 323 and 506(2) of IPC in Crime No.223 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 07.08.2020, at about 09.00 pm, when the defacto complainant was coming in TVS 50, the accused assaulted him and asked him to close the complaint given to the District Registrar. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this is a counter complaint to the complaint of the second petitioner in Crime No.191 of 2020, dated 29.07.2020. He would also submit that for the alleged occurrence that is said to have taken place on 07.08.2020, complaint has been given only on 15.10.2020. Further, no one has been injured in this case.



4. Heard the learned Government Advocate appearing for the respondent Police.

5. Considering the nature of offence and the fact that no one has been injured in this case, this Court is inclined to grant Anticipatory Bail to the petitioners.

6. The learned counsel for the petitioners further submitted that the entire family members are roped in as accused in this case and it is very difficult for them to furnish separate securities before the Court.

7. 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 Judicial Magistrate, Devakottai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with common surety 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 as and when required, 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/-
03/08/2021

/ 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE,
THIRUVENGAMPET POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10485 of 2021
Date :03/08/2021

MBI
MK/PN/SAR.IV/09.08.2021/3P/5C