



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10137 of 2021

1.Subburaj
2.Mahesh Alias Maheshwari
3.Ravi Alias Ravikumar
4.Kamaraj

... Petitioners/Accused No.1 to 4

Vs

The State Represented by,
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
Crime No.460 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.Balaji,
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.460 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 offence punishable under Sections 294(b), 342, 323 and 506(1) of IPC in Crime No.460 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing fruit vending business. The accused 1 and 2 are living in upper portion of his house. The accused 3 and 4 are brothers of the first accused. On 25.06.2021, at about 02.00 pm, the defacto



complainant, his wife and the second accused gathered for getting water from water pipe. The defacto complainant's wife asked the second accused to get water after some time using motor. The second accused responded through sign and informed the first accused. The first accused had come out and threatened using sign language. When it was informed to the third accused, he said that he would advise the first accused. Then on 27.06.2021, at about 11.00 am, when the defacto complainant was standing in front of his house, the accused 1 and 2 using sign language and the accused 3 and 4 abused them in filthy words. The fourth accused caught hold of the defacto complainant and the first accused hit him on his neck and the third accused kicked him. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the accused 1 and 2 are deaf and dumb persons. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that no injury was caused to the defacto complainant.

5. It is seen from the facts of the case that for getting water there was a dispute between the defacto complainant and the accused 1 and 2. The dispute started as wordy quarrel and aggravated into physical assault. There was no injury caused to the defacto complainant. Taking note of the nature of the incident, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, 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 Judicial Magistrate, Ambasamudram, Tirunelveli 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 and 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



[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

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/ /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,
AMBASAMUDRAM, TIRUNELVELI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.S.BALAJI, Advocate SR.No.4993 dated 02.08.2021.

ORDER

IN

CRL OP(MD) No.10137 of 2021

Date :30/07/2021

SS/SKN/SAR-IV/04.08.2021 : 3P/6C