



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.10138 of 2021

1.Vembadi
2.Kapilan
3.Dhanapal
4.Kaviyarasan
5.Kavibalan

... Petitioners/Accused No.1 to 5

Vs

The State rep.by
The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.
In Crime No.313 of 2021.

... Respondent/Complainant

For Petitioners: Mr.K.Arunraj,
Advocate.

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

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

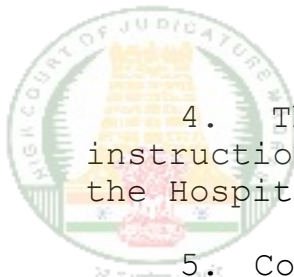
PRAYER :-For Anticipatory Bail in Crime no.313 of 2021 on the file of the respondent Police.

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 147, 294(b), 148, 341, 324 and 506(2) of IPC in Crime No.313 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 25.07.2021, the petitioners/accused abused the defacto complainant in filthy language and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that he is not pressing this application with regard to the first petitioner since the first petitioner has been arrested pending this application and was also released on bail. He also submitted that the petitioner 2 to 5 are innocents and they have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side), on instructions, would submit that the injured has been discharged from the Hospital.

5. Considering the nature of offence and the fact that the injured has been discharged from the Hospital and that except 506(2) IPC, all offences are bailable in nature, this Court is inclined to grant Anticipatory Bail to the petitioners 2 to 5.

6. Accordingly, the petitioners 2 to 5 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, Musiri on condition that the petitioners 2 to 5 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 learned Magistrate concerned and on further condition that:

[a]the petitioners 2 to 5 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 2 to 5 shall report before respondent police as and when required, until further orders.

[c]the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 2 to 5 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 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

7. Insofar as the first petitioner is concerned, this petition is dismissed as not pressed.

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
MUSIRI,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10138 of 2021
Date :03/08/2021

MK/VR/SAR-III/06.08.2021/3P/5C