



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.10133 of 2021

1. Sangilimuthu @ Sankilimuthu
2. Saravanakumar
3. Vinothkumar

... Petitioners/Accused No.1,2&3

Vs

The State Rep. by,
The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
(Crime No. 837 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Ramsundarvijayraj,
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.837 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 341, 294(b), 323, 324 and 506(ii) IPC in Crime No.837 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 30.08.2020 at about 08.00 pm., the defacto complainant and his cousin brother were returning home after completion of their work. When they came near Periya Sooriyur Kallarai, the accused keeping in mind the previous enmity, scolded them in filthy language and attacked them with hands and pushed them. The defacto complainant and his cousin escaped from there and informed about the incident to their aunt Kalyani. At that



time accused Sangilimuthu, Saravanakumar and Vinothkumar came there with aruval and wooden-log. Saravanakumar attacked the defacto complainant's aunt with aruval. 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 and the second petitioner is having one previous case in Cr.No.108 of 2018 under Sections 147, 148, 294 (b), 323, 324, 506(ii) IPC altered into Sections 147, 148, 294(b), 324, 326, 506(ii) IPC. He further submitted that the injured person had been discharged from the hospital.

5.Taking note of the nature of the incident and the fact that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 & 3. Considering the fact that the second petitioner is having one previous case, this Court is not inclined to grant anticipatory bail to the second petitioner and this petition is dismissed against the second petitioner.

6.Accordingly, the petitioners 1 & 3 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 No.III, Trichy, on condition that the petitioners 1 & 3 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 1 & 3 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 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1 & 3 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 1 & 3 in accordance with law as if the



conditions have been imposed and the petitioners 1 & 3 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/-
29/07/2021

/ 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 NO.III,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.RAMSUNDAR VIJAY RAJ, Advocate (SR-4930[I] dated 29/07/2021)

ORDER
IN
CRL OP(MD) No.10133 of 2021
Date :29/07/2021