



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10679 of 2021

1. S.Pulavenderan
2. P. Santhiru Allias Muppidathi Muthu
3. S. Karthik
4. S.Ganesan ... Petitioners/Accused Nos.1 to 4

Vs

State Rep by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District
(Cr.No.318/2021).

... Respondent/Complainant

For Petitioners : M/s.Rajeshkumar R,
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. 318/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323, 324 and 506(ii) I.P.C, in Crime No.318 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives. Due to a property dispute between themselves, the petitioners abused the defacto complainant in front of a judge and also assaulted him. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Cheranmahadevi, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MSA

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
CHERANMAHADEVI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. C.C. to RAJESHKUMAR.R, Advocate SR.No.25706(F) dated 09/08/2021

ORDER
IN
CRL OP(MD) No.10679 of 2021
Date :05/08/2021

PKP/JM/SAR4 10/08/2021 : 3P:6C