



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.10714 of 2021

1. Samraj,
2. Perumel,
3. Moorthi @ Thatchina Moorthi,
4. Siva,
5. Narayana Moorthi,
6. Bala Saravanan, ... Petitioners/Accused

Vs

State Rep. by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
Cr.No. 224 of 2021.. ... Respondent/Complainant

For Petitioners : M/s.Anbarasu S.R.,
Advocate.

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

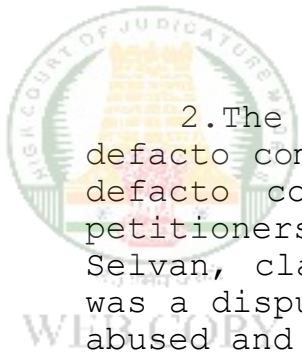
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.224 of 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 alleged offence punishable under Sections
147, 294(b), 324, 323 and 506(ii) I.P.C, in Crime No.224 of 2021 on
the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the father-in-law of the defacto complainant namely Narayana Selvan committed suicide and the defacto complainant prepared to perform the last rituals. The petitioners who are the brother's son of the deceased Narayana Selvan, claimed right to perform the rituals. In this regard, there was a dispute, in which, the defacto complainant and his father were abused and assaulted by the petitioners. Hence, the complaint.

3.The learned counsel for the petitioners would submit 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 police, on instructions, would submit that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, 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 learned Magistrate concerned 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***



55601; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/08/2021

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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,
Nanguneri, Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Eruvadi Police Station, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.10714 of 2021
Date : 05/08/2021

TR/JM/SAR-II (18.08.2021) 3P 5C