



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11195 of 2021

1. Sakthivel

2. Vishnu @ Vishnuraj,

3. Sakthi @ Sakthivel

4. Rajesh @ Rajeshwar

5. Sathiyasheelan

... Petitioners/Accused No.1 to 5

Vs

The State represented by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.

Crime No.175 of 2021

... Respondent/Complainant

S.ANBARASAN @ DHURSHANTH

... PETITIONER/DEFACTO
COMPLAINANT

IN CRL MP(MD) No.5868 of 2021

For Petitioner : Mr.Fazil Kirmani
for Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.AN.Ramanathan, Advocate.

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

PRAYER :-

For Anticipatory bail in Crime No.175 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, 148, 294(b), 448, 352, 427 and 506(ii) of IPC in Crime No.175
of 2021 on the file of the respondent police, seek anticipatory
bail.



2.The case of the prosecution is that due to election dispute between the parties, all the accused have attacked the de-facto complainant with iron rod, wooden log, aruval and knife and also trespassed into his house and ransacked three two-wheelers, cell phone and other household articles. Hence, the case.

WEB COPY

3.The learned counsel for the petitioners submitted that the petitioners are innocents and 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 was treated as out-patient.

5.The learned counsel for the de-facto complainant strongly opposed the grant of anticipatory bail on the ground that the vehicles have been damaged by the petitioners and he has also placed photographs before this Court, which shows that the vehicles and other articles were damaged.

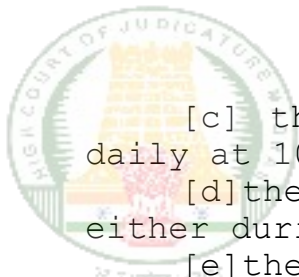
6. The learned counsel for the petitioners submits that in order to show their bonafide, the petitioners are ready to deposit a sum of Rs.2,000/- each to the credit of Crime No.175 of 2021 before the learned Judicial Magistrate, Thiruvudaimaruthur.

7.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that the petitioners offered to deposit a sum of Rs.2,000/- each to the credit of Crime No.175 of 2021, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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, Thiruvudaimaruthur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 are directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.175 of 2021 before the learned Judicial Magistrate, Thiruvudaimaruthur**, within a period of two weeks without prejudice to their rights and contentions before the trial Court;



[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/08/2021

/ 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,
THIRUVIDAIMARUTHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.K.M.KARUNAKARAN, Advocate SR.No.5554

ORDER

IN

CRL OP(MD) No.11195 of 2021

Date :19/08/2021

SS/JC/SAR-IV/31.08.2021 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>