



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.08.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11544 of 2021

1.Sankaramoorthi
2.Muruganatham
3.Pethaperumal
4.Thirumoorthy @ Thirumeni
5.Panner
6.Ramchandran

... Petitioners/Accused
Nos.1 to 4,6 and 7

Vs.

The State represented by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Cr.No.459 of 2021.

... Respondent/Respondent

For Petitioners : Mr.Deenadhayalan,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.459 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, 148, 294(b), 342, 323, 324 and 506(ii) of IPC in Crime No.459
of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a pathway
dispute between the petitioners and the defacto complainant, due to
which, the petitioners attacked the defacto complainant using wooden
log and hand and abused him in filthy language. Hence, the
complaint.



3. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are relatives and the dispute is with regard to partition. He further submitted that the injured has been discharged from the Hospital.

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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 allegation as against the petitioners and the fact that the injured has been discharged from the Hospital, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. The learned counsel for the petitioners submits that in view of the pandemic situation, it is very difficult for them to arrange separate sureties, since the entire family members are roped in as accused in this case.

7. The petitioners 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, Pattukottai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety 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 conditions that:

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

[b]the petitioners shall report before respondent police as and when required, until further orders.

[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/08/2021

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/ /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,
PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11544 of 2021
Date :19/08/2021

SS/JC/SAR-I/31.08.2021 : 3P/5C