



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11351 of 2021

1. Vellaichamy
2. Vairam @ Vairasilai
3. Sivanandi
4. Suresh Babu
5. Vairajothi @ Jothi ... Petitioners/Accused Nos.1 to 5

Vs

State Rep by
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
(Crime No. 540 of 2021). ... Respondent/Complainant

For Petitioners : Mr.Karuppasamy Pandiyan.G,
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. 540 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A5, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 147, 148, 323, 324 and 506(ii) I.P.C, in Crime No.540 of
2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that there is a civil dispute between the petitioners and defacto complainant. On the date of occurrence, the petitioners and the defacto complainant quarreled with each other and each of them sustained injuries. Hence, the complaint.

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3.The learned counsel for the petitioners submits that the petitioners and defacto complainant are hailing from same family and there is a property dispute among themselves for a landed property. He further submits that it is a case in counter 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 and no previous case is pending against the petitioners.

5.Taking into consideration the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and no previous case is pending, 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, Bodinayackanur, 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 5560]***; and;



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

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

IAS

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,
BODINAYACKANUR
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11351 of 2021
Date :13/08/2021

PKP/PN/SAR-1/19/08/2021/3P/5C