



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11482 of 2021

1.S.Chandran,

2.S.Palanisamy,

3.P.Vijaya Lakshmi,

4.P.Mathavan,

5.P.Kathiravan,

6.G.Senthilvel,

7.G.Shanmugaraj,

8.G.Periyasamy,

9.S.Mathees @ Matheshkumar, ... Petitioners/Accused 1 to 9

Vs

The State Rep. by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District. ...Respondent/Complainant

For Petitioners : Mr.A.Aathiyan

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.212 of 2021 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioners/A1 to A9, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.212 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the de-facto complainant regarding the common pathway. On 31.07.2021, the petitioners went to the house of the de-facto complainant and attacked his son and wife and also threatened him with dire consequences. Hence, the present case has been registered.

3.The learned counsel for the petitioners would submit that a counter case has been registered against the de-facto complainant in Crime No.211 of 2021. He would further submit that the petitioners are innocents and they have been falsely implicated in this case.

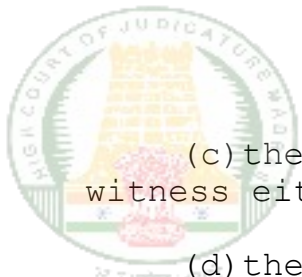
4.The learned Government Advocate(Crl.Side) would submit that no one sustained injury in the alleged occurrence and a counter case has been registered in Crime No.211 of 2021 against the de-facto complainant. He would further submit that the petitioners have not involved in any other offences.

5.Taking into consideration of the facts and circumstances of the case, the fact that no one sustained injury in the alleged occurrence, the petitioners have not involved in any other offences and also the fact that it is a counter case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 No.I, Kovilpatti, Thoothukudi, 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 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 <https://helpline.mca.gov.in/helpline/> 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/08/2021

/ 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 No.I,
Kovilpatti, Thoothukudi.
- 2.Do Through
The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.AATHIYAN, Advocate (SR-5444[I] dated 17/08/2021)

ORDER
IN
CRL OP(MD) No.11482 of 2021
Date : 16/08/2021

TR/PN/SAR-II(27.08.2021) 4P 6C