



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11471 of 2021

1.G.Selvam
2.N.Govindaraj
3.G.Dharmaraj
4.G.Siva

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.384/2021)

... Respondent/Complainant

For Petitioners : MR.K.SIVABALAN, Advocate.

For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

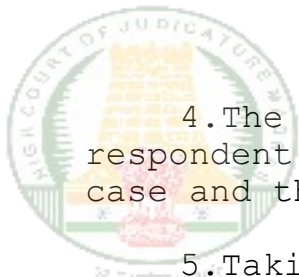
PRAYER :-For Anticipatory Bail in Crime No.384 /2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(ii) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.384 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the petitioners and the defacto complainant, on 08.08.2021, the petitioners attacked the defacto complainant, thereby, caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a counter case has been registered against the defacto complainant in Crime No.385 of 2021 for the offences under Sections 294(b), 323 and 506(i) I.P.C. He would further 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 it is a counter case and the victim suffered simple injury.

5.Taking into consideration of the facts and circumstances of the case, the fact that it is a counter case and also the fact that the victim suffered simple injury, 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, Thuraiyur, 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 daily at 10.30 a.m 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]***; and;

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

sd/-
18/08/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
UPPILYAPURAM POLICE STATION, TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.K.SIVABALAN, Advocate (SR-5545[I] dated 19/08/2021)

ORDER
IN
CRL OP(MD) No.11471 of 2021
Date :18/08/2021

MSA
MK/PN/SAR.I/31.08.2021/3P/6C