



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11499 of 2021

1.Ramadoss
2.Kutty @ Mottaiyan @ Ramajeyam
3.Ramkumar
4.Ramki
5.Velmurugan
6.Ajay
7.Ajith @ Yuvaraj
8.Arun @ Arunkumar
9.Suthan
10.Balamurugan
11.Gokul

... Petitioners/Accused Nos.1 to 11
Vs

State Rep.by
The Inspector of Police,
Samayapuram Police Station
Trichy District.
Crime No.370 of 2021

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
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.370 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A11 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 427 and 506(ii) I.P.C, in Crime No.370 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners along with others went to the house of the defacto complainant, abused her in filthy language and also caused damage to her house. Hence, the complaint.



3.The learned counsel for the petitioners submits 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, on instructions, would submit the second petitioner is having two previous cases for the offence under Section 302 I.P.C., and Petitioners 10 and 11 are having one previous case for the offence under Section 294(b) I.P.C.

5.Considering the previous antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this Criminal Original Petition is dismissed as against the second petitioner.

6.Though the learned Government Advocate (Crl.side) appearing for the respondent police, would submit that the petitioners have damaged the house of the defacto complainant, he has not produced any material to that effect.

7.Considering the facts and circumstances of the case, the fact that though the petitioners 10 and 11 are having one previous case, that comes under Section 294(b) I.P.C offence and the nature of allegations levelled against the petitioners 1, 3 to 11, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 to 11 with certain conditions.

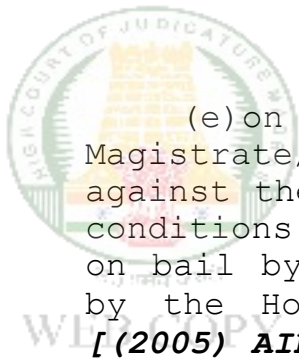
8.Accordingly, this Criminal Original Petition is allowed in respect of petitioners 1, 3 to 11 and the petitioners 1, 3 to 11 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioners 1, 3 to 11 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 1, 3 to 11 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 1, 3 to 11 shall report before the respondent police daily at 10.30.a.m until further orders.

(c)the petitioners 1, 3 to 11 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 1, 3 to 11 shall not abscond either during trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 1, 3 to 11 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 to 11 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 1, 3 to 11 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

9. In fine, this Criminal Original Petition is partly allowed.

sd/-
16/08/2021

/ 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 NO.III, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11499 of 2021
Date : 16/08/2021

MSA
MS/PN/SAR-4/27.08.2021/3P.5C