



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12013 of 2021

WEB COPY

1. Palanisamy,

2. Saravanan,

3. Vincent Raj,

4. Raghuraman,

... Petitioners/Accused No.1,3,4 & 5

Vs

State Rep. by
The Inspector of Police,
West Police Station, Kovilpatti,
Thoothukudi District.
(Crime No.746 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Maria Vinola M,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

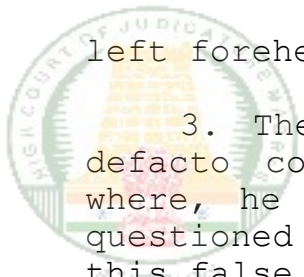
PRAYER :-

For Anticipatory Bail in Crime No. 746 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3, A4 and A5, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Cr.No.746 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working in A.K.Ram Chits, where, he misappropriated some amount. Hence, he left that company and joined in Subash Builders. On 12.08.2021, the petitioners, who are working in A.K.Ram Chits, came to the defacto complainant's house and abused him in filthy language and asked the amount of A.K.Ram Chits. A1 and A3 attacked the defacto complainant in his left eye, cheek and caused wound injury. A4 and A5 kicked him and A2 also attacked him with aruval on his



left forehead and caused injury.

3. The learned counsel for the petitioners submits that the defacto complainant is the erstwhile employee of A.K.Ram Chits, where, he misappropriated the company amount. When the same was questioned by the petitioners, the defacto complainant has lodged this false complaint.

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4. The learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital on 18.08.2021. He further submits that petitioners are having one previous case.

5. Considering the facts and circumstances of the case, nature of allegations levelled 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.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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 No.II, Kovilpatti, Thoothukudi District, on condition that they 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 Aadhar 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 evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

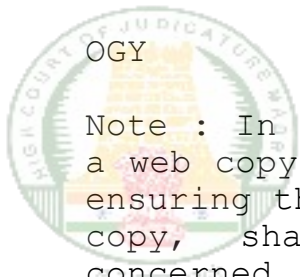
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
07/09/2021

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
WEST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.12013 of 2021
Date :07/09/2021

SB/SKN/SAR-II/15.09.2021/ 3P 5C