



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

Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11787 of 2021

1. Ramesh @ Jeyaraj
2. Radika
3. Arumikkannu

... Petitioners/Accused No.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.
in Crime No.183/2021.

... Respondent/Complainant

For Petitioners: Mr.S.J.Chakkaravarthy,
Advocate.

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

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

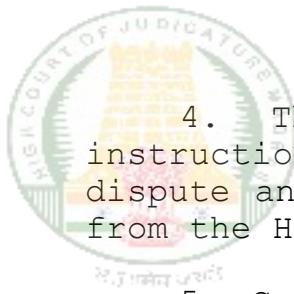
PRAYER :- For Anticipatory bail in Crime No. 183 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 379 of IPC in Crime No.183 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have attacked the defacto complainant with hands and wooden log, abused her in filthy language and also stolen her cell phone. Hence, the complaint.

3. The learned counsel for the petitioners submitted that due to a property dispute, on 24.04.2021 the defacto complainant and some other accused attacked the first petitioner, due to which, he was severely injured and provided treatment at Government Hospital, Karambakudi. A case was also registered against the defacto complainant and some other in Crime No.184 of 2021.



4. The learned Government Advocate (Criminal Side), on instructions, would submit the incident occurred due to civil dispute and the victim sustained simple injuries and was discharged from the Hospital on the same day.

5. Considering the fact that this is a case in counter, the incident occurred due to a civil dispute and that the injured has been discharged from the hospital on the same day, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. The petitioners are ordered 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, Alangudi, Pudukottai District 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 respondent police or the police officer who intends to arrest or 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

/ 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,
ALANGUDI, PUDUKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAMBAKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-5686[I] dated 25/08/2021)

ORDER
IN
CRL OP(MD) No.11787 of 2021
Date :24/08/2021

MBI
MS/VR/SAR-4/03.09.2021/3P.6C