



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.11981 of 2021

1. Ponnurulu,

2. Mariyammal,

... Petitioners / Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Cr.No.618 of 2021.

... Respondent / Complainant

For Petitioner : M/s.Sivaprakash S,
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.618 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 323, 506(ii) and 427 IPC in Crime No.618 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to money dispute, there was a wordy quarrel between the petitioners and the family members of the defacto complainant, due to which, the petitioners along with other accused came to the house of the defacto complainant and attacked him with sticks and hands and caused injuries.

3. The learned counsel for the petitioners submits that the petitioners and the defacto complainant are close relatives. The second petitioner and the defacto complainant's wife are members of a Women's Self-help Group. All the members of the said group borrowed loan from a Bank. Since the defacto complainant's wife failed to repay the loan amount, the bank refused to sanction any further loan to other members, who repaid the loan amount.



Therefore, all the members of the group went to the defacto complainant's house and insisted her to settle the amount and consequent to that, there was a wordy quarrel among them. Hence, the complaint.

4. The learned counsel for the petitioners submits that the petitioners are innocents and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Kamuthi, 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 as and when required for interrogation;

[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

/ 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

WEB COPY

1. THE LEARNED JUDICIAL MAGISTRATE,
KAMUTHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.11981 of 2021
Date : 07/09/2021

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