



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

Date : 26.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.12218 of 2021

WEB COPY

1.P.Ponrani

2.L.Pauldurai

3.P.Sathyaraj

4.Senthil Kumaran

... Petitioners/Accused

Vs

State rep by

The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi.

Crime No.107/2021

... Respondent/Complainant

For Petitioners : Mr.S.Micheal Heldon Kumar, Advocate

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

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

PRAYER :-

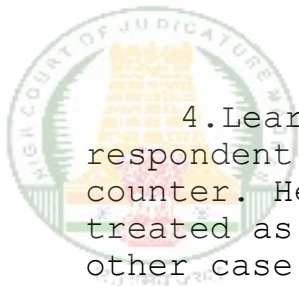
For Anticipatory Bail in Crime No.107 of 2021 on the file of the respondent Police.

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, 506(ii) IPC in Crime No.107 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.08.2021, due to previous enmity, the petitioners have scolded the defacto complainant inside the temple premises, when the latter was issuing coconut and banana, out of Vari Pangu at Amman Temple, Chitambarapuram. Hence, the complaint.

3.Learned Counsel for the petitioners submitted that the petitioners are innocents. They have not committed any offence as alleged by the prosecution, but have been falsely implicated in this case.



4.Learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, submitted that this is a case in counter. He further submitted that the injured in this case has been treated as an outpatient and that the petitioners are not having any other case to their credit.

WEB COPY

5.Considering the facts and circumstances of the case, the fact that it is a case in counter and that the injured has been treated as an outpatient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this criminal original petition is allowed and 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, Sathankulam, 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 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 as and when required for interrogation.

[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/-
26/08/2021

/ 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,
Sathankulam.
- 2.Do Through
The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD)No.12218 of 2021
Date : 26.08.2021

TR/SKN/SAR-III (07.09.2021) 3P 5C