



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.12352 of 2021

1. Pandi,
2. Ponnusamy @ Ponsamy,
3. Thangapandi,
4. Thangaraj @ Thangadurai,
5. Natarajan,
6. Murugan,
7. Bala Murugan,
8. Jeyakumar,
9. Sujith,
- 10.Paldurai,
- 11.Balu @ Palnadar,
- 12.Bala Ganesh @ Balaganesan,
- 13.Boomiyalantha Perumal,
- 14.Thangadurai,
- 15.Manikandan,
- 16.Sujey,
- 17.Manikandan,
- 18.Raja,

...Petitioners/Accused Nos.1 to 9, 11,
12, 14, 15, 18 to 22



Vs

The State represented by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No. 333 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.Balaji, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C
PRAYER :-

For Anticipatory Bail in Crime No. 333 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

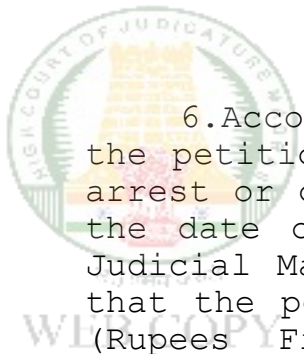
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.333 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant belong to the same village and while performing pooja, the dispute arose between the parties. The petitioners abused the defacto complainant in filthy language and also attacked him with stick. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners and the defacto complainant belong to the same village. It is a case and counter case. The occurrence had taken place, while performing a pooja in the temple festival. He further submitted that the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.



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, Radhapuram, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one sureties 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., for a period of 30 days from the date of receipt of copy of this order.

[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 petitioner 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/-

28/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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,
RADHAPURAM,
TIRUNELVELI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12352 of 2021
Date :28/10/2021

PKP/VR/SAR-3/08.11.2021/4P/5C