



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12400 of 2021

1.Santhosh @ Santhosh kumar
2.Sudhakar
3.Dhivakar

... Petitioners/Accused Nos:1 to 3

Vs

The State rep.by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
Crime No.640/2021

... Respondent/Complainant

For Petitioners : Mr.B.SANTHANAM RAJESHKUMAR, 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.640 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.640 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the close relative of one Pandiarajan. The said Pandiarajan borrowed a sum of Rs.10,000/- from the first petitioner. On 16.08.2021, when the said Pandiarajan and the de-facto complainant were standing near Teacher's Colony, the petitioners came there and attacked the said Pandiarajan with hands. When the same was questioned by the de-facto complainant, the petitioners attacked the de-facto complainant and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submits that the said Pandiarajan and the second petitioner are neighbours. He further submits that the said Pandiarajan borrowed money from the first petitioner and failed to repay the same. When the first petitioner demanded the money, the de-facto complainant attacked the first petitioner. He further submits that the said Pandiarajan and the de-



facto complainant agreed to pay the said borrowed amount and also settled the dispute amicably before the Village elders. Thereafter, the de-facto complainant gave a false complaint against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposed this petition on the ground that the investigation is yet to be completed. He fairly submitted that no one sustained injury in the alleged occurrence.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that no one sustained injury in the alleged occurrence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Karur, Karur 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 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 Aadhaar 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 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]***; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

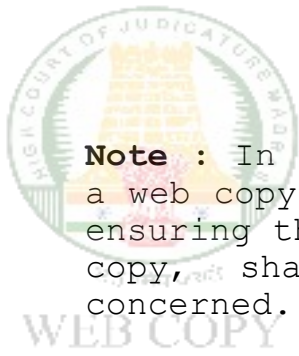
sd/-

07/09/2021

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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 COURT NO.I,
KARUR, KARUR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12400 of 2021
Date :07/09/2021

SA/PN/SAR.2/29.09.2021/3P/5C