



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

Date : 06/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12407 of 2021**

1.A.M.Moorthi Thevar @ Manthirammoorthy

2.Velraj

... Petitioners/Accused No. 1 & 2

Vs

State rep by.

The Inspector of Police,

Tirunelveli Taluk Police Station,

Tirunelveli.

... Respondent/Complainant

Crime No 280/21

For Petitioner : M/s.G.Thalaimutharasu
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.280 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

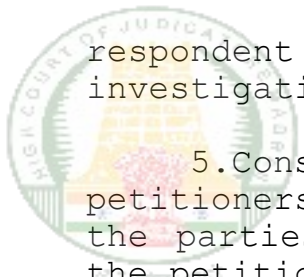
The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 307 and 506(ii) I.P.C, in Crime No.280 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the de-facto complainant, the petitioners waylaid the de-facto complainant, scolded, abused him in filthy language and thereafter, A1 attacked him with aruval and the same was prevented by the de-facto complainant, he caused cut injury on both of his hands. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the

<https://hcservices.ecourts.gov.in/hcservices/>



respondent strongly opposed this petition on the ground that investigation in this case is yet to be completed.

5.Considering the nature of allegations levelled against the petitioners and also the fact that there was a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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.III, Tirunelveli, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/09/2021

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/ /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 Judicial Magistrate Court No.III,
Tirunelveli.
- 2.do thro
The Chief Judicial Magistrate, Tirunelveli.
- 3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KB/SKN/SAR-I(15.09.2021) 3P 5C