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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.12462 of 2021

1. Sugan Raj,
2. Sankar,
3. Durairaj @ Durai,
4. Murali @ Muralikumar,
5. Dinesh @ Dinesh Kumar,
6. Vinoth @ vinoth Kumar, ... Petitioners/Accused Nos.1,4 to 7 & 9

Vs

State rep by
The Inspector of Police,
Golden Rock Police Station,
Golden Rock,
Trichy.

... Respondent/Complainant

For Petitioner : M/s.Krishnan 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.347 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A4 to A7 and A9, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Cr.No.347 of 2021, are granted anticipatory bail.



2. The case of the prosecution is that on 22.08.2021, at about 5.00 p.m, the defacto complainant and his brother were giving practice to his bull for Jallikattu in MGR Nagar Cricket ground, at that time, his bull was running uncontrolled and in order to escape from the bull, his brother climbed on the car of one Parthipan and his leg mistakenly touched the front glass of the Car and thereby, the said car glass was damaged. When the car owner questioned the same, he pacified him and promised to set right the damage. On the same day, at about 10.30 p.m. the petitioners along with three others came to his house, picked up a quarrel with respect to the said incident and A1 and A3 also attacked him and caused injuries. When the defacto complainant's relative came to rescue him, the petitioners and other accused persons attacked him and also caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner submits that on 22.08.2021, at evening hours, the defacto complainant and his friends damaged the front glass of the first petitioner's uncle's car. His uncle informed the same to the first petitioner and his friends. The defacto complainant and his friends, after hearing the same, picked up quarrel with the petitioners and other accused persons and they attacked the petitioners with deadly weapons. With respect to the said incident, the first petitioner has given a complaint, based on which, a case has been registered in Cr.No.346 of 2021.

4. The learned Government Advocate (Crl. Side), on instructions, submits that it is a case and counter case and the injured have been discharged from the hospital.

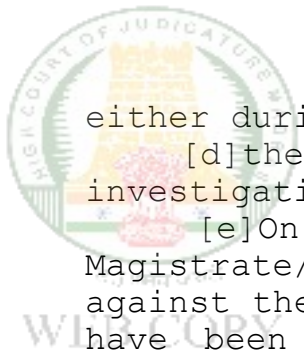
5. Considering the facts and circumstances of the case, the allegations and counter allegations and also the fact that the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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 No.V, Trichy, 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 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;

<https://hcservices.courtstg.in/hcservices> 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

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

OGY

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 No.V,
Trichy.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Golden Rock Police Station, Golden Rock,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12462 of 2021
Date : 07/09/2021

TR/SKN/SAR-IV(17.09.2021) 3P 5C

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