



WEB COPY

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.12592 of 2021

1. Udhayakumar
2. Kannan
3. Harish
4. Lingamuthu
5. Shakthi

... Petitioners/Accused No.1 to 5

Vs

State rep.by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
(Crime No.136 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Kasinathadurai G, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

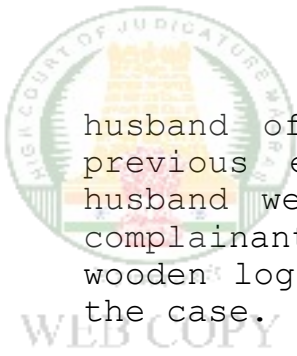
PRAYER :-

For Anticipatory Bail in Crime No.136 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, 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 Crime No.136 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner is the husband of the Panchayat President. For laying a road, the defacto complainant's patta land was measured, at that time, the



husband of the defacto complainant prevented the same. Due to previous enmity, on 21.08.2021, when the defacto complainant's husband went to Theerthandam, the petitioners abused the defacto complainant's husband in filthy language and attacked him with wooden log and caused blood injuries on his head and nose. Hence, the case.

3. The learned counsel for the petitioners submits that on the date of occurrence, the 2nd petitioner's wife went to Theerthandam Bus Stand to inspect the road work, which is under progress, at that time, the defacto complainant came there and abused them in filthy language and consequent to that, there was a wordy altercation between the petitioners and the defacto complainant, for which, a complaint has also been lodged against the defacto complainant, which was registered in Cr.No.135 of 2021. Therefore, the defacto complainant has foisted this false complaint.

4. The learned Government Advocate (Crl. Side) submits that it is a case and counter case and the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. 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, Thiruvadanai, Ramanathapuram District, 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 daily at 10.30 a.m. until further orders;

[c] 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

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
Thiruvadanai, Ramanathapuram District.
2. The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12592 of 2021
Date :07/09/2021