



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12676 of 2021

1.Nalladurai
2.Kaviyarasan
3.Subramaniyan

... Petitioners/Accused No.1-3

Vs

The State rep.by,
The Inspector of Police,
Thiruppanandhal Police Station,
Kumbakonam Taluk,
Thanjavur District.
in Crime No.807/2021.

... Respondent

For Petitioners : M/S.S.BHARATHI,
Advocate.

For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

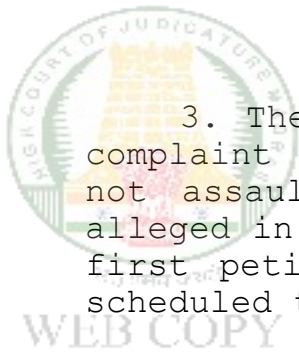
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory bail in Crime No.807 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 offences punishable under Sections 294(b), 324 and 506(ii) @ 294(b), 324, 506(ii) and 307 of IPC in Crime No.807 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother-in-law of the victim. The defacto complainant's brother-in-law made certain comments on the petitioners' family in a funeral and aggrieved over that, the petitioners entered into the defacto complainant's brother-in-law's house and attacked him with Sickles. When the defacto complainant attempted to prevent the occurrence, he was also attacked. Both the defacto complainant and his brother-in-law sustained injuries and were admitted in Government Hospital, Kumbakonam. On the information received from the Hospital, this case has been registered.



3. The learned counsel for the petitioners submitted that this complaint is a motivated complaint. Further, the petitioners have not assaulted the defacto complainant and his brother-in-law as alleged in the complaint. He produced the Marriage Invitation of the first petitioner's daughter/Kowsalya with one Kalaikumar which is scheduled to be held on 01.09.2021.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. There are totally three accused in this case. The first petitioner is the father of the bride, the second petitioner is the son of the first petitioner and the third petitioner is the brother of the first petitioner. Considering the allegations made against the petitioners, relationship between the parties, that the marriage is scheduled to be held on 01.09.2021 and that there is no antecedent against the petitioners, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Munsif cum Judicial Magistrate Court, Thiruvidadaimarudhur, Tanjavur 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 respondent police or the police officer who intends to arrest or 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, 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].



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

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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

- 1 THE MUNSIF CUM JUDICIAL MAGISTRATE COURT,
THIRUVIDAIMARUDHUR, TANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
THIRUPPANANDHAL POLICE STATION,
KUMBAKONAM TALUK,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD)NO.12676 OF 2021
Date :31/08/2021

MK/VR/SAR.I/31.08.2021/3P/5C