



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.09.2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . Nos.12881 & 13206 of 2021

Rengaraj ... Petitioner/Accused Rank Not Known
in CrI.O.P. (MD) .No.12881 of 2021

1.Shanmugam
2.Senthamilselvan
3.Kalaiselvan ... Petitioners/Accused No.2 to 4
in CrI.O.P. (MD) .No.13206 of 2021

Vs

State Rep. by
The Inspector of Police,
Airport Police Station,
Airport,
Trichy City.
(Crime No.361/2021). ... Respondent/Complainant
(in both Petitions)

For petitioners: M/s.K.Arunraj, Advocate
(in both cases)

For Respondent : M/s.P.Kottai Samy
Government Advocate (CrI.Side)
(in both cases)

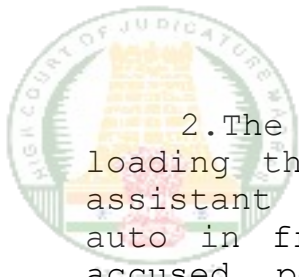
PETITIONs FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail Crime No.361 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 294(b), 323, 326, 427 and 506(ii) of IPC, in Crime No.361
of 2021 on the file of the respondent police, seeks anticipatory



2.The case of the prosecution is that on 28.08.2021, after loading their lorry, when the defacto complainant along with his assistant were getting ready to start their lorry, A1 parked his auto in front of their lorry. When the same was questioned, the accused persons scolded the defacto complainant using filthy language and assaulted him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are in no way connected with the alleged occurrence. There is a case in counter. On the date of occurrence the defacto complainant parked his lorry by blocking the entire pathway. When the same was questioned, he assaulted the petitioners. Hence a case in Crime No.362 of 2021 has been registered against them. He further submitted that now the parties have entered into compromise and a compromise memo has also been filed in the typed set of papers.

4.The learned Government Advocate submits that there is a dispute between the neighbours, during which, the victim sustained grievous injury and lost his tooth. Subsequent to the registration of the case, they have arrived at a compromise.

5.Considering the nature of allegations levelled against the petitioners and the compromise arrived between the parties, this Court is inclined to grant anticipatory bail to the petitioners in both petitions.

6.Accordingly, both the criminal original petitions are allowed and 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 Judicial Magistrate No.VI, Trichy, 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:

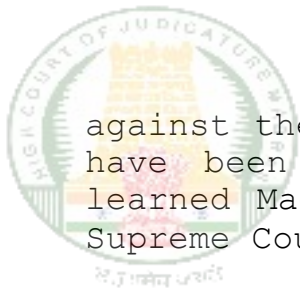
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required for interrogation;

[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/-
14/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.VI,
TRICHY.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
AIRPORT, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD). Nos.12881 & 13206 of 2021
Date :14/09/2021