



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.13338 of 2021

1.Kumar
2.Muruganantham

... Petitioners/Accused Nos.1 & 3

Vs

The State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.867/2021)

... Respondent/Complainant

For Petitioners : Mr.P.PETHU RAJESH, 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.867 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 147, 148, 342, 294(b), 324, 506(ii), 307 IPC, in Crime No.867 of 2021, seek anticipatory bail.

2. The prosecution case is that defacto complainant is involved in the business of selling banana leaves to hotels. The first petitioner wanted to do the same business and requested the defacto complainant to introduce some hotel owners. The defacto complainant initially accepted to help the first petitioner, but, failed to honour the same. Aggrieved, the petitioners and other accused went to the defacto complainant's house, attacked him and his sons with Aruval and caused injury. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He further submitted that there was enmity between the first petitioner and the defacto complainant in respect of supplying banana leaves to the hotels in and around Kumbakonam. The defacto complainant has borrowed some amount from the first petitioner and when the first petitioner demanded



repayment, the defacto complainant tried to attack him. But a false case has been foisted as against the petitioners.

4. Learned Government Advocate (Crl. Side) for the respondent police, on instructions, submitted that the investigation is yet to be completed. He further submitted that the injured has been discharged from the hospital on 03.09.2021.

5. Considering the facts and circumstances of the case, nature of allegation levelled and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is 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.2, Kumbakonam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police daily at 10.30 am., until further orders and the second petitioner shall report before the 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 have been 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 / petitioners 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.)
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 JUDICIAL MAGISTRATE NO.2
KUMBAKONAM.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.PETHU RAJESH, Advocate SR.No.6236

ORDER

IN

CRL OP(MD) No.13338 of 2021
Date :14/09/2021

SA/PN/SAR.1/20.09.2021/3P/6C