



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.13222 of 2021

1.M.Sundaramagalingam
2.M.Ramu @ Raman

... Petitioners/Accused

-Vs-

The State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.551 of 2021)

... Respondent/Complainant

For Petitioners: Mr.S.Alagarsamy,
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.551 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.551 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the petitioners are neighbours. On 26.08.2021, there was a wordy quarrel between the petitioners and the de-facto complainant regarding the construction of Thatched shed, in which, the petitioner attacked the de-facto complainant and also caused injury. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.



4.The learned Government Advocate (Crl. side) for the respondent, on instructions, submits that the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also 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 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, Melur, 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 the 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 absconds, 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, MELUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.ALAGARSAMY, Advocate (SR-6235[I] dated 15/09/2021)

ORDER

IN

CRL OP(MD) No.13222 of 2021

Date :14/09/2021

SJI

MS/VR/SAR-2/23.09.2021/3P.6C