



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.13226 of 2021

1.Balasubramanian

2.Asokan

... Petitioners/Accused No.2&3

Vs

State Rep.by
The Sub-Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.212/2021)

... Respondent/Complainant

For Petitioners : Mr.M.Sam Eugene Jebakumar

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.212 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, 341, 294(b), 342, 323, 324, 506(ii) IPC in Crime No.212 of 2021, seek anticipatory bail.

2. The prosecution case is that the petitioners and other accused waylaid the defacto complainant, assaulted him, caused injury and criminally intimidated him. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that the

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petitioners are innocents and have not committed any offence as alleged by the prosecution. This is a politically motivated complaint. The petitioners before this Court are accused nos.2 & 3. They along with accused nos.1 & 5 have filed an application for anticipatory bail before the learned Principal District and Sessions Judge, Ramanathapuram, in Cr.M.P.No.1843 of 2021 and the learned Judge, by order dated 01.09.2021, granted anticipatory bail to the accused nos.1 & 5 and rejected the request of the petitioners herein, on the ground that they are having one previous case to their credit. He further submitted that the injured has been discharged from the hospital and therefore, prayed for grant of anticipatory bail.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police, who, on instructions, submitted that the first petitioner is having one previous case and the second petitioner is having two previous cases to their credit.

5. Considering the nature of allegation levelled against the petitioners, the fact that the complaint came to be filed on account of election dispute, the grant of anticipatory bail to the co-accused and the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the first petitioner / Balasubramanian shall report before the respondent police daily at 10.30 am and the second petitioner / Asokan shall report before the respondent police daily at 10.30 am and at 05.30 pm, 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 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]** and;

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

sd/-

09/09/2021

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/ /2021

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

gk

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
PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.13226 of 2021

Date :09/09/2021

RD/SKN/SAR-IV(15.09.2021) 3P 5C