



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

Date : 22.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13900 of 2021

WEB COPY

1.Pirins @ Prince
2.Andisamy
3.Murugan

... petitioners/Accused

Vs

The State Rep.by,
The Inspector of Police,
Palanichettypatti Police Station,
Theni.

Crime No. 316 of 2021

... Respondent/Complainant

For petitioners : Mr.S.Ramsundarvijayraj
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.316 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 alleged offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.316 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the father of the de-facto complainant is having a land of 90 cents in the Mariyamankovilpatti and the petitioners herein made a demand to purchase the above said land from the de-facto complainant's father, but the de-facto complainant refused to sale the land. On 26.06.2021, at about 05.00 p.m., when the de-facto complainant and his father Ganesan along with his brother, Suresh and the sisters of his father, Murugeswari, Ponnuthai, Lakshmi and Palaniyammal were surveying the said land with the help of a surveyor, the petitioners herein have scolded the above said persons for the sale of the above said land and attacked the de-facto complainant's father with wooden

<https://hcservices.courtservice.com/CaseDetails.aspx?CaseNo=13900of2021>



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.8886 of 2021 dated 28.07.2021.

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4.The learned Government Advocate (Crl. side) for the respondent police submitted that this is the petitioners' third anticipatory bail application and their earlier applications were dismissed on the ground that the petitioners 1 and 2 are having two previous cases and the third petitioner is having one previous case. He further submitted that the investigation has already been completed and the final report has been filed before the concerned Court.

5.Considering the facts and circumstances of the case, the fact that after completing the investigation, final report has been laid, this Court is inclined to grant Anticipatory Bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original 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, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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]***; and;



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

sd/-
22/09/2021

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/ TRUE COPY /

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

kmm

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
THENI.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION,
THENI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAMSUNDARVIJAYRAJ S Advocate SR.No.6516

ORDER
IN
CRL OP(MD) No.13900 of 2021
Date :22/09/2021

RK/PN/SAR-I (11.10.2021) 3P 6C