



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

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD).No.13608 of 2021

1. Gopi,

2. Vasu, ... Petitioners/Accused Nos.2 & 3

Vs

State rep by
The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.
Crime No. 364 of 2021). ... Respondent/Complainant

For Petitioners : M/s.Arunraj K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No. 364 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 & 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC r/w 4(1)(j) of Tamilnadu Prohibition Act, in Crime No.364 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 09.09.2021, the defacto complainant Gurusamy has lodged a complaint before the respondent police stating that around 6.30 p.m., when he was standing along with his friends in Musiri to Andharapatti road, the persons and other accused persons came to the spot in a drunken



mood and quarrelled with him about blocking the pathway. Hence, the first accused attacked him by wooden log and others attacked him by bricks and also they threatened with dire consequences. The defacto complainant got injury and he was admitted in Government Hospital, Musiri.

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3.The learned counsel for the petitioner would submit that the petitioners and the defacto complainant belong to same area. On 09.09.2021, the petitioners and other accused persons were going to KVR Manatchi Thirumana Mahal, at the time, the defacto complainant was chatting with his friends by blocking the entire road when the same was questioned by the petitioners, a wordy quarrel arose between them. The petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the victim was discharged from the hospital on 14.09.2021.

5.Taking into consideration of the facts and circumstances and also considering the fact that the injured has been discharged from the hospital, 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 Court, Musiri, 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 Court concerned and on further conditions that:

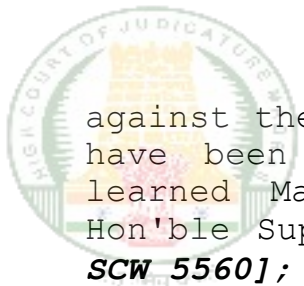
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(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 Judicial 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 themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
16/09/2021

/ TRUE COPY /

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

AM/CSM

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, Musiri.
2. Do Through The Chief Judicial Magistrate,
Trichy
- 3 The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.13608 of 2021
Date : 16/09/2021

TR/SKN/SAR-I (22.09.2021) 3P 5C