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

Date : 30/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14705 of 2021

1. Panchavarnam,
2. Nagammal, ... Petitioners/Accused Nos.29 & 31
Vs

State Rep by
The Sub Inpsector of Police,
Aruppukottai Taluk Police Station
Virudhunagar District.
(Crime No.84 of 2017) ... Respondent/Complainant

For Petitioner : M/s. Santhoshkumar.P.,
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.84 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A29 and A31, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 307 of IPC, r/w. Section 3 of TNPPL Act, in Crime No.84 of 2017, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that there is a dispute between two groups with regard to a vinayagar temple festival. While so, on 31.03.2017, there was a wordy quarrel between the two groups, which led to a clash and consequent to that, a mob belonging to one group attempted to attack other group with wooden sticks and
<https://hcdvcs.ednmg.org/bcset/yes/> door of a house. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Due to previous enmity, this false complaint has been foisted against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side), on instructions, submits that the substantial investigation was over.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the substantial investigation was over, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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, Aruppukottai, 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 are 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2021

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

OGY

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,
Aruppukottai.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The Sub Inpsector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14705 of 2021
Date : 30/09/2021

TR/JC/SAR-I (06.10.2021) 3P 5C