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

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15629 of 2021

1.Murugesan
2.V.Moorthy
3.Saravanan

... Petitioners/Accused Nos.1,3,4

Vs

State Rep by
The Inspector of Police,
Mayanur Police Station,
Mayanur, Karur District.
(in Crime No.556 of 2021) ... Respondent/Complainant

For Petitioners : Mr.R.Sundar
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

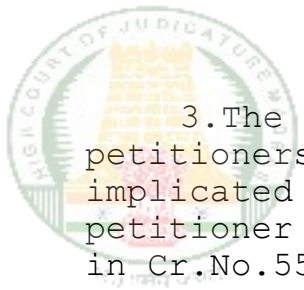
PRAYER :-

For Anticipatory Bail in Crime No.556 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b) and 307 IPC, in Crime No.556 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, the petitioners attacked the de-facto complainant's brother with iron rod. Thereby, he sustained injury. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first petitioner has also lodged a complaint and the same was registered in Cr.No.555 of 2021 as against the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that due to previous enmity, a case and counter case came to be registered. He further submitted that the first petitioner/A1 has already been arrested and remanded to judicial custody.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners 2 and 3 and also the fact that this is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3. Since the first petitioner/A1 has already been arrested and remanded to judicial custody, this criminal original petition is dismissed as against the first petitioner/A1.

6.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 and 3 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, Krishnarayapuram, Karur District, on condition that the petitioners 2 and 3 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 Judge concerned and on further conditions that:

(a)the petitioners 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 2 and 3 shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c)the petitioners 2 and 3 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW***



55601; and;

(f) if the accused/ petitioners 2 and 3 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
20/10/2021

/ TRUE COPY /

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

cp

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

ORDER IN
CRL OP(MD) No.15629 of 2021
Date : 20.10.2021

TR/PN/SAR-II(28.10.2021) 3P 5C