



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14755 of 2021

1.Santhakumar

2.Kannadasan

... Petitioners/Accused 1 & 2

Vs

State rep.by

The Sub-Inspector of Police,  
Somanathapuram Police Station,  
Sivagangai District.

(Crime No.86 of 2021)

... Respondent/Complainant

For Petitioners : M/s.N.Ananthapadmanaban, Advocate  
for M/s.APN Law Associates

For Respondent : M/s.A.Thiruvadikumar  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.86 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 342, 323 and 506(ii) IPC in Crime No.86 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. There is a dispute pending between the parties with regard to the worship of Sadayandi Temple, on 19.09.2021, when the de-facto complainant parked his vehicle in front of his house, the petitioners abused the de-facto complainant in filthy language, attacked him with wooden log and caused injury. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, states that the victim suffered simple injury.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that the victim suffered simple injury, 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, Karaikudi, 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 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;

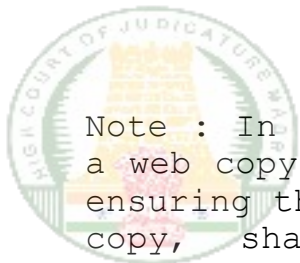
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-  
30/09/2021

/ TRUE COPY /

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



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.

## WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,  
KARAIKUDI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,  
SOMANATHAPURAM POLICE STATION,  
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP (MD) No.14755 of 2021

Date :30/09/2021

SP/VR/SAR II/07/10/2021/3P/5C