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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14840 of 2021

1. Murugan
2. Ashok
3. Kalimuthu @ Padmanabhan
4. Pugalendhi ... Petitioners/Accused 1 to 3 & 6

Vs

State rep.by
The Sub Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No.106/2021) ... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K.P., Advocate.

For Respondent : M/s.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.106 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 & A6, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 294(b), 323 and 506(i) IPC in Crime No.106 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 16.09.2021, there was some wordy quarrel between the petitioners and the defacto complainant in respect of removal of vinayagar idol from Arasamarathu Vinayagar temple. In this regard, the defacto complainant lodged a complaint against the petitioners. On 23.09.2021, both the parties appeared before the respondent for enquiry. During the enquiry, the accused persons abused, assaulted

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the defacto complainant and threatened them with dire consequences. Hence, the present complaint.

3. The learned counsel appearing for the petitioners submitted that based on the complaint made by one Senthilandavan and the defacto complainant, namely, Saravanan, the respondent Police called the petitioners for enquiry on 23.09.2021. During the enquiry, the counter part of the petitioners, namely, Saravanan and Senthilandavan reported false allegations against petitioners before the Enquiry Officer. When the petitioners denied the said allegations, the defacto complainant along with nine others threatened, abused and assaulted the petitioners and others, for which, the first petitioner lodged a complaint against the defacto complainant and the same was registered as Crime No.105 of 2021. He further submitted that the petitioners are real victims in this case. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed 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, Devakkottai, 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 appear 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;

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(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action

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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/-
01/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.III)
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,
   Devakkottai.

2. -Do-Through The Chief Judicial Magistrate,
   Sivagangai District.

3. The Sub Inspector of Police,
   Aravayal Police Station,
   Sivagangai District.

4. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

+1. CC to M/S.NARAYANAKUMAR K.P. Advocate SR.No.6829

ORDER
IN
CRL OP(MD) No.14840 of 2021
Date :01/10/2021

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SP/JM/SAR III/07/10/2021/3P/6C