



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15731 of 2021

1.Kaviyarasu
2.Ganesan
3.Aravinth
4.Arunpandi

... Petitioners/Accused
No.1-4

Vs

State rep.by
The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime No.131 of 2021).

... Respondent/Complainant

For Petitioners : M/s.K.K.Samy, 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.131 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 324 and 506(i) of IPC, in Crime No.131 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 03.05.2021 at about 08.45 p.m., Kaviyarasu, Aravind, Arunpandi, Masilamani were consuming alcohol in front of Thillaiyadi Valliyammai Savadi and talking in abusing language and the same was questioned by the defacto complainant, at that time, the petitioners along with other



accused abused the defacto complainant in filthy language and also attacked him.

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 M/s.Chinnaponnu, who is the Ward Member of the Palani Town has filed an undertaking affidavit before this Court that the petitioners will not indulge in any offence in future. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed to grant bail to the petitioners on the ground that the petitioners are having some previous cases to their credit.

5.Considering the facts and circumstances of the case and also considering the undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, 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 for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments,

[b]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner is involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d]the petitioners shall report before respondent police daily at 10.30 a.m., until further orders.

[e]the petitioners shall not tamper with the evidence or witness either during investigation or trial.



[f]the petitioners shall not abscond either during investigation or trial.

[g]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 petitioner 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]**.

[h]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
25/10/2021

/ TRUE COPY /

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

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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,
PALANI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANI ADIVARAM POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SAMY.K.K. Advocate SR.No.7413

ORDER
IN
CRL OP(MD) No.15731 of 2021
Date :25/10/2021