



WEB COPY

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.15516 of 2021

1.Valivittan @ Deena
2.Chithra

... Petitioners/Accused Nos.5 & 7

Vs

State Rep by
The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
(Crime No.99 of 2021)

... Respondent/Complainant

For Petitioners : Mr.J.Sankara Pandian
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

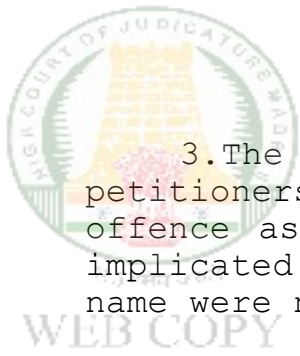
PRAYER :-

For Anticipatory Bail in Crime No.99 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 and A7 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii), 147, 148 and 307 IPC and Section 4 of TNPHW Act, in Crime No.99 of 2020 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, on 06.08.2020, A1 to A4 attacked the de-facto complainant with iron rod, abused him in filthy language and also caused injury. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case. He further submits that the petitioners' name were not found in the FIR.

4.The learned Additional Public Prosecutor appearing for the respondent police on instructions, submits that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the injured has already been discharged from the hospital, 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, Sivagangai District, 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 Judge 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 Judge 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 Judge/ 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 Judge/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/-
20/10/2021

WEB COPY

/ 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,
Karaikudi, Sivagangai District.
- 2.Do Through
The Chief Judicial Magistrate,
Sivagangai.
- 3.The 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.15516 of 2021
Date : 20.10.2021

TR/JM/SAR-III(28.10.2021) 3P 5C