



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.15757 of 2021

1. Kubendran,
 2. Rajayokkia Pandi,
 3. Pragalatha,
 4. Karuppayee
- ... Petitioners / Accused

Vs

State Rep. by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Cr.No.245 of 2021).

... Respondent / Complainant

For Petitioners : Mr.M.Murugesan,
Advocate.
For Respondent : Mr.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. 245 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, apprehending arrest for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C, in Crime No.245 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.10.2021, when the defacto complainant and his brother one Subbiah were standing in front of their village public stage, the accused persons came there with deadly weapons, abused the defacto complainant in filthy



language, assaulted him with deadly weapons and caused injury. Hence, the complaint.

3.The learned counsel for the petitioners submits that due to land dispute between the defacto complainant and the petitioners, there was a wordy quarrel arose between them. The defacto complainant unnecessarily preferred a false complaint as against the petitioners. The defacto complainant has also threatened and assaulted the petitioners, for which, a counter complaint has been lodged before the respondent police and the case was registered in Crime.No.244 of 2021 as against the defacto complainant and others. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that it is a case and case of counter. He would further submit that the victim has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the fact that it is a case and counter case and also the fact that the injured has 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 No.II, Usilampatti, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety 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 as and when required for interrogation.

(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

<https://hcservices.hc.mys.gov.in/hcservices> 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/-
20/10/2021

WEB COPY

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/ /2021

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

PNM/MSA

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 NO.II,
USILAMPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE ,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.15757 of 2021
Date :20/10/2021

SB/SKN/SAR-III/28.10.2021/3P/5C