



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15787 of 2021

WEB COPY

1. K.S. Shanmugakani,
2. S. Ramesh Kumar @ Ramesh,
3. S. Radha Krishnan,
4. K. Gururaj @ Raja, ... Petitioners/Accused Nos.1 to 4

Vs.

State rep. by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District
(Crime No. 396 of 2021). ... Respondent/Complainant

For Petitioner : Mr.Alwin Balan.P.P.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER : For Anticipatory Bail in Crime No. 396 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(i) IPC, in Crime No.396 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to political motive, there was a wordy quarrel between the petitioners and the defacto complainant, for which, the petitioners said to have abused the defacto complainant by using filthy language and also attacked his face and chest. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.



5.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6.Considering the fact and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Sattur, 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 report before respondent police daily at 10.30 am., for the period of 30 days and thereafter, 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2021

/ TRUE COPY /

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



VSD/CSM

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, Sattur,
2. Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
3. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.15787 of 2021
Date : 12/10/2021

TR/SKN/SAR-I (20.10.2021) 3P 5C