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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.15936 of 2021

1. Arun,
S/o. Mahendran,

2. Ajith,
S/o. Mahendran,

3. Vairamuthu,
S/o.Mahendran,

4. Sajith,
S/o.Palanimanickam,

... Petitioners/Accused Nos.1 to 4

Vs

State Rep by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District
Cr.No.258/2021.

... Respondent/Complainant

For Petitioners : M/s. Loganathan.S.,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For the Anticipatory Bail in Cr.No.258 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b), 342, 323 and 506(i) of I.P.C, in Crime No.258 of 2021, seek

<https://hccservices.courts.myservices.in/cse/cvse/l>



2.The case of the prosecution is that on 06.10.2021, there was a wordy quarrel between the petitioners and the defacto complainant, for which the accused persons attacked the defacto complainant with wooden log and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioner 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 the respondent police daily at 10.30 a.m., for a period of 30 days.

(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.

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sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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 No.III, Tirunelveli
2. Do Through The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15936 of 2021
Date : 12/10/2021

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