



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.16099 of 2021

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1. Subash,

2. Velsuresh,

... Petitioners / Accused No.2 & 6

3. Paramasivam.

... Petitioner / Accused Rank Not Known

Vs

State Rep. by

The Inspector of Police,

Thattarmadam Police Station,

Tuticorin District.

(Crime No.167/2021)

... Respondent / Complainant

For Petitioner : M/s. Maheswaran.R.,
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.167 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 offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No. 167 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 15.10.2021 at about 12.00 hrs., when the defacto complainant and his community members were crossing near the Pillayar Temple at Thatchanvilai, after making arrangements for celebrating the Dasara festival, the petitioners along with other accused abused and assaulted the defacto complainant with stone and wooden log, due to which, he sustained injury.

3. The learned counsel for the petitioners submits that the prosecution has not committed any offence as alleged by the prosecution. Due to previous enmity, this false complaint has been lodged against the petitioners. He further submits that it is a



case and counter case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

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5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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, Sathankulam, 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 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 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 are 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 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.

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- TO
- 1.THE JUDICIAL MAGISTRATE,
SATHANKULAM.
 - 2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-7510[I] dated 27/10/2021)

ORDER IN
CRL OP(MD) No.16099 of 2021
Date :25/10/2021

SB/VR/SAR-III/28.10.2021/3P/6C