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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.16096 of 2021

1. Arthar Arokiyasami @ Arthar Arockiyasamy
2. Noble Praveenkumar
3. Helinathumrani @ Elina Athmarani
4. Sibiyacamel @ Sibiya

... Petitioners/Accused
No.3,4,8 and 14

Vs

State rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.755 of 2021)

... Respondent/Complainant

For Petitioners : M/s. Muruganantham.B., 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.755 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3, A4, A8 and A14, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) IPC, in Crime No.755 of 2021 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 14.10.2021, the petitioners along with other accused cut coconuts from coconut groove belonging to a CSI church. The defacto complainant informed the same to the Police Officials. The Police Officials restrained them, took the coconuts from the coconut groove and kept them under the safe custody of church. Thereafter, the petitioners along with



other accused abused the defacto complainant in filthy language and also threatened him with dire consequences.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. In fact, on 14.10.2021, at about 6.30 p.m., the defacto complainant and others abused the petitioners in filthy language, attacked them with deadly weapons and also caused injuries. Therefore, 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.

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, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a common bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two common 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.

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Sd/-
25/10/2021

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

OGY

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 learned Judicial Magistrate,
Pattukkottai, Thanjavur District.
2. Do-Through
The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16096 of 2021
Date :25/10/2021

SP/VR/SAR II/28/10/2021/3P/5C