



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.16173 of 2021

1. Ganesan @ Courier Ganesan
2. Mani
3. Ramalingam
4. Muniyandi @ Nagaraj
5. Nagarajan

... Petitioners/Accused Rank not known

-Vs-

State Rep by,
The Inspector of Police,
Sholavandan Police Station, Madurai District.
Crime No.363 of 2021.

... Respondent/Complainant

For Petitioner : MR.M.Pitchai Muthu, 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.363 of 2021 on the file of the Respondent Police.

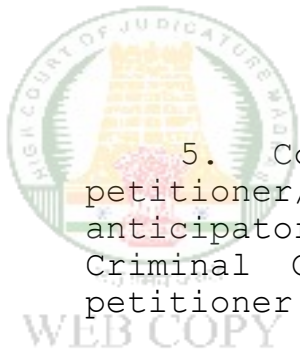
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 427 & 506(i) of IPC, in Crime No.363 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant belong to one political party. Suddenly, the defacto complainant moved to another political party, due to which, the petitioners quarreled with the defacto complainant and assaulted him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for grant of anticipatory bail on the ground that the investigation is yet to be completed and the first petitioner is having four previous cases, the second petitioner is having three previous cases.



5. Considering the conduct and attitude of the first petitioner/accused No.1, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed, insofar as the first petitioner is concerned.

6. However, considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner Nos.2 to 5, this Court is inclined to grant anticipatory bail to the petitioner Nos.2 to 5.

7. Accordingly, this Criminal Original Petition is allowed insofar the petitioner Nos.2 to 5 are concerned and the petitioner Nos.2 to 5 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, Vadipatti, Madurai District, on condition that the petitioner Nos.2 to 5 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 petitioner Nos.2 to 5 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 petitioner Nos.2 to 5 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner Nos.2 to 5 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner Nos.2 to 5 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 petitioner Nos.2 to 5 in accordance with law as if the conditions have been imposed and the petitioner Nos.2 to 5 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/ petitioner Nos.2 to 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, this Criminal Original Petition is partly allowed.

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.

TO

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

ORDER
IN
CRL OP(MD) No.16173 of 2021
Date :25/10/2021

ssb
MK/JM/SAR.III/29.10.2021/3P/5C