



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16345 of 2021

1. Iyyanar  
2. Sudalaimuthu  
3. Manikandan

... Petitioners/Accused No.1 to 3

Vs

State rep by  
The Inspector of Police,  
Earvadi Police Station,  
Tirunelveli District.  
Cr.No. 270 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Mayilvahana Rajendran.C,  
Advocate.

For Respondent : Mr.Kottai chamy  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.270 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 offence punishable under Sections 294(b), 323 and 506(ii) of IPC, in Crime No.270 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are living in the same locality and during the local body election, the petitioners have intercepted the defacto complainant's auto and attempted to affix the election posters behind his auto and the same was refused by the defacto complainant. Therefore, the petitioners abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the first petitioner is having four previous cases to his credit in Crime Nos. 27 of 2013, 9 of 2015, 1 and 3 of 2017 and the second and third petitioners have no previous cases pending against them.

5. In view of the antecedents of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. **Accordingly, the petition is dismissed insofar as the first petitioner/A1 is concerned.**

6. Insofar as the second and third petitioners are concerned, considering the facts and circumstances of the case and the antecedents, **this Court is inclined to grant anticipatory bail to the second and third petitioners subject to the following conditions.**

7. Accordingly, this criminal original petition is partly allowed and the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that they shall execute a separate 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 second and third petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]** the second and third petitioners shall report before respondent police daily at 10.30 a.m. until further orders.

**[c]** the second and third petitioner shall not tamper with the evidence or witness either during investigation or trial.

**[d]** the second and third petitioner 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 second and third petitioners in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-  
26/10/2021

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/ /2021

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

TTA

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, NANGUNERI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
EARVADI POLICE STATION,  
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate ( SR-7479[I] dated 27/10/2021 )

ORDER  
IN  
CRL OP(MD) No.16345 of 2021  
Date : 26/10/2021

VB/JM/SAR-II/11.11.2021/3P/6C