



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16753 of 2021

1.Sebasthiraj
2.Vimalraj

... Petitioners/Accused
Rank Not Known

Vs

State Rep. By
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
Cr.No.482/2021

... Respondent/Complainant

For Petitioners : Mr.S.Bharathy Kannan
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (crl. side)

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

PRAYER :-

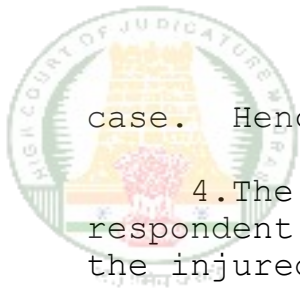
For Anticipatory Bail in Crime No.482 of 2021 on the file of the Respondent Police.

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), 324, 506(i) and 379(nh) IPC r/w Section 4 of TNPWH Act, in Crime No.482 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the de-facto complainant and the petitioner's family, on 12.10.2021, the petitioners attacked the de-facto complainant and scolded in filthy language. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The learned counsel for the petitioners submitted that the petitioners are innocents and they are in no way connected with the offence as alleged by the prosecution. It is a case and counter



case. Hence, he prayed for grant of anticipatory bail.

4.The learned Government Advocate (Crl. side) for the respondent police submitted that it is a case and counter case and the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that it is a case and counter case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 Court No.II, Sivagangai, 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 Judge 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 Judge 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 Judge/ 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 Judge/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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/10/2021

/ TRUE COPY /

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

cp

<https://hcservices.ecourts.gov.in/hcservices/>

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

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- 1.THE JUDICIAL MAGISTRATE COURT NO.II,
SIVAGANGAI.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3.THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16753 of 2021

Date :29/10/2021

SB/PN/SAR-IV/10.11.2021/3P/5C