



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.11.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16934 of 2021

1.Dev Kumar
2.Saran
3.S.Rajesh Kannan
4.A.Gokul
5.AnithKumar
6.Raja Prabu
7.Dharmaraj

... Petitioners/Accused No.1-4,8,10 & 13

Vs

State Rep.by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.285 of 2021)

... Respondent/Complainant

For Petitioners : Mr.K.Mahendran
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.285 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, A8, A10 and A13 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and 3(1) of the Prevention of Damage to Public Property Act, 1984, in Crime No.285 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that earlier there was a quarrel between the villages of the parties regarding manjuvirattu. Due to that motive, the accused persons attacked the defacto complainant and others and caused injury and also damaged five



motorcycles. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case. He further submits that at the intervention of the elders in the villages, they have settled the issue amicably.

4.The learned Government Advocate (Crl. Side) for the respondent, on instructions, submits that it is a case and counter case and the injured persons have already been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners, the fact that it is a case and counter case and also the fact that the injured persons have already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Melur, 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 as and when required for interrogation.

(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/-
01/11/2021

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/ /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,
Melur.
 - 2.Do Through The Chief Judicial Magistrate,
Madurai.
 - 3.The Inspector of Police,
Kottampatti Police Station,
Madurai.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.K.Mahendran, Advocate (SR-7810)

ORDER
IN
CRL OP(MD) No.16934 of 2021
Date :01/11/2021

RS/VR/SAR2 (24.11.2021) 3P 6C