



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17556 of 2021

1. Mohan
2. Jeyamangalam

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Sub Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.171 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Sam Eugene Jebakumar, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

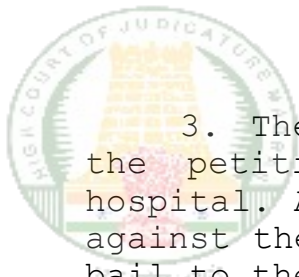
PRAYER :-

For Anticipatory Bail in Crime No.171 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) I.P.C., in Cr.No.171 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was dispute between parties with regard to conducting of prayer at church, due to that, the accused persons abused the defacto complainant in filthy language, assaulted and also criminally intimidated him. Hence, the present complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent. Injured was discharged from the hospital. A counter case has been registered in Crime No.172 of 2021 against the de-facto complainant party. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there is a property dispute between the parties and the injured was discharged from the hospital and that it is a case and counter case and the counter case has been registered in Crime No.172 of 2021 as against the de-facto complainant and party.

5. Considering the facts that there was dispute between the parties with regard to conducting of prayer at church, that the injured was already discharged from the hospital, that the counter case in crime No.172 of 2021 is pending against the de-facto complainant and party, that the petitioners are not having any previous cases for similar or serious offence and that except the offence under Sections 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Ilayangudi, Sivagangai District 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

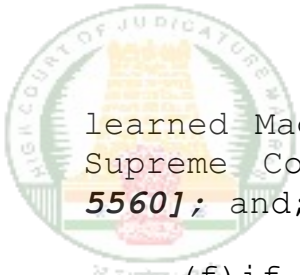
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
12/11/2021

/ TRUE COPY /

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

PNM

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,
ILAYANGUDI, SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17556 of 2021
Date :12/11/2021