



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.18941 of 2021

WEB COPY

1.V.Periyamaruthu @ Maruthu @ Kottachi Maruthu
2.V.Santhanabharathi @ Bharathi ... Petitioners/Accused No.1&4

Vs

State Rep.by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Cr.No. 234 of 2021). ... Respondent/Complainant

For Petitioners : M/s.William Christopher J,
Advocate.
For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 234 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
341, 294(b), 323, 324, & 506(ii) IPC, in Crime No.234 of 2021, seek
anticipatory bail.

3.The case of the prosecution is that on 09.09.2021, while the
defacto complainant was returning home, the accused demanded money
from him. When he refused to give the amount, they attacked the
defacto complainant. At that time, one Thiagarajan, who is an
Advocate, intervened and questioned the same, due to which, the
accused attacked the above said Thiagarajan also. Hence, the
complaint.

4.These petitioners moved anticipatory bail earlier, which came
to be dismissed by this Court on 23.09.2021, considering the nature
of allegations made as against the petitioners.

5.Now, the learned counsel for the petitioners submits that
<https://hservices.ecourts.gov.in/hservices/> there was some transaction between the petitioners and the Advocate.



The petitioners transferred a sum of Rs.500/- to the account of the Advocate for the purpose of getting some liquor from the Wine Shop. When they asked to pay cash, the Advocate refused. Hence, problem arose.

6.The learned Government Advocate submits that the victim was treated as outpatient.

7.Considering the nature of allegations as against the petitioners and taking into consideration the fact that the victim was treated as outpatient, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this criminal original petition is allowed and the 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 Judicial Magistrate Court, Vadipatti, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[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 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]**.

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

sd/-
08/12/2021

/ 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, Madurai District.
- 2.Do Through The Chief Judicial Magistrate,
Madurai District.
- 3.The Inspector of Police,
Kadupatti Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.WILLIAM CHRISTOPHER J Advocate SR.No.8973

ORDER
IN
CRL OP(MD) No.18941 of 2021
Date :08/12/2021

RS/PN/SAR2 (15.12.2021) 3P-6C