



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18058 of 2021

1. Ragupathi
2. Murugesan
3. Palanisamy

... Petitioners/Accused 1 to 3

Vs

The State rep.by,
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.1597 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.S.Vigneswaran,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.1597 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(i) IPC, in Crime No.1597 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are relatives and are agriculturists. On 13.11.2021, when the petitioners were selling vegetables in Ulavar Santhai, Karur, the defacto complainant along with rowdy elements came there and asked mamool, when the same was refused by the petitioners, the defacto complainant attacked the petitioners and also caused injuries. In this regard, both of them had made complaints against them.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.Side) would submit that the third petitioner is not arrayed as accused in this case. He would further submit that there was some wordy quarrel between the petitioners 1 and 2 and the defacto complainant, due to which, complaints were made against both of them. He would further submit that the injured was discharged from the hospital.

5. In view of the submission made by the learned Government Advocate (Criminal Side), the Criminal Original Petition is dismissed in respect of the third petitioner.

6.Considering the facts and circumstances of the case and considering the facts that there arose wordy quarrel between the parties, when the defacto complainant and others had allegedly demanded money from the petitioners, that the injured was discharged from the hospital, that the counter case in Crime No.1598 of 2021 has been registered against the defacto complainant and party and that except the offence under Section 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions.

7.Accordingly, the Criminal Original Petition is allowed and the petitioners 1 and 2 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 No.I, Karur, Karur District, on condition that the petitioners 1 and 2 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 conditions that:

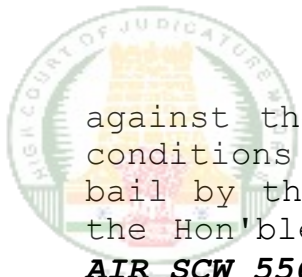
a)the petitioners 1 and 2 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1 and 2 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 2 shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate or the Criminal Court is entitled to take appropriate action



against the petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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.

8. In the result, this Criminal Original Petition is partly allowed.

sd/-
18/11/2021

/ 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 NO.I,
KARUR
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.GOKULRAJ, Advocate SR.No.8256.

ORDER
IN
CRL OP(MD) No.18058 of 2021
Date :18/11/2021

das
MK/PN/SAR.III/23.11.2021/3P/6C