



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP (MD) . Nos.19748 & 19764 of 2021

R.Prem Kumar ... Petitioner/Accused No.1
in Crl.O.P. (MD) No.19748 of 2021

R.Ramamoorthy ... Petitioner/Accused No.2
in Crl.O.P. (MD) No.19764 of 2021

Vs

The State rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai,
Sivagangai District.
(Crime No.663 of 2021) ... Respondent/Complainant
in both petitions

For Petitioner
(in Crl.O.P. (MD) No.19748 of 2021)
: Mr.B.Saravanan
Advocate.

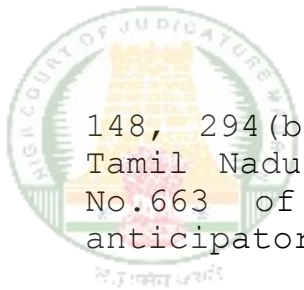
For Petitioner
(in Crl.O.P. (MD) No.19764 of 2021)
: Mr.C.Jeganathan
Advocate.

For Respondent (in both petitions)
: Mr.M.Muthumanikkam,
Government Advocate (Crl. Side)

PETITIONS FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

COMMON PRAYER : For Anticipatory Bail in Crime No.663 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-
<https://hcservices.ecourts.gov.in/hcservices/>
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,



148, 294(b), 324, 307, 427, 506(2) and 109 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.663 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive between the parties, the petitioners and other accused abused and attacked the de-facto complainant and other victims. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that no previous case is pending against the petitioners and that the injured was discharged from the hospital. He would further submit that A3 and A4 were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.18359 of 2021, dated 29.11.2021.

5.Considering the facts and circumstances of the case and also the facts that the petitioners are not having any previous cases, that the injured was already discharged from the hospital and that the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, 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 No.1, Sivagangai, 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 learned Magistrate concerned and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate 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., for a period of one month and thereafter, 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 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
13/12/2021

/ TRUE COPY /

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

CSM

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.1,
SIVAGANGAI, SIVAGANGAI DISTRICT.
2. DO THROUGH CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-9240[I] dated 14/12/2021)

ORDER
IN
CRL OP(MD). Nos.19748 & 19764 of 2021
Date : 13.12.2021