



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . Nos.1365 and 2070 of 2022

Bashkaran

... Petitioner/1st Accused
In Crl.O.P. (MD)No.1365 of 2022

1. Siva
2. S.Mani
3. M.Mani @ Fitter Mani
4. Vani

... Petitioners/Accused Nos.2 to 4
In Crl.O.P. (MD)No.2070 of 2022

Vs

The State rep.by
The Inspector of Police,
Gudalur North Police Station,
Theni District.
(Crime No. 469 of 2021).

... Respondent/Complainant
(in both petitions)

IN BOTH PETITIONS:

For Petitioner : M/s. ANANDAN.K.,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl.Side)

For Intervener : Mr.R.MAHESWARAN, Advocate
for Mr.C.SUSIKUMAR, Advocate

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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 469 of 2021 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324, 506(ii) of IPC, in Crime No.469 of 2021 on the file of the respondent police, seek anticipatory bail.



3.The case of the prosecution is that there existed a land dispute between the parties and on the date of occurrence, the accused have scolded the defacto complainant, quarrelled with him and attacked the defacto complainant. Hence the complaint.

4.The learned counsel for the intervener would submit that the defacto complainant has suffered serious injury and that he has spent around Rs.1,30,000/- for the medical expenses.

5.The learned Government Advocate (Crl.side) would submit that though the case was registered for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC, subsequently, the offence under Section 326 of IPC was also added and the investigation in this case, is almost completed.

6.Considering the facts that there existed civil dispute between the parties, that the injured has been discharged from the hospital and the fact that the investigation is almost completed, this Court is inclined to grant the anticipatory bail to the petitioner.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

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

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)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]**.

(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2022

/ TRUE COPY /

/ /2022

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
UTHAMAPALAYAM, THENI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION,
THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.ANANDAN.K. Advocate SR.No.1419,1420

+1 cc to Mr.C.SUSIKUMAR, Advocate, SR.No.1465

ORDER

IN

CRL OP(MD) . Nos.1365 and
2070 of 2022

Date :23/02/2022

SA/SBN/SAR.2/02.03.2022/3P/8C