



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18802 of 2021

1.Ayyanar @ Ayyanan
2.Subburaj
3.Vijayalakshmi

... Petitioners/A1 to A3

Vs

The State rep.by
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
Cr.No.90 of 2021.

... Respondent/Complainant

Vijayabharathi

... Petitioner/Respondent/
De-facto Complainant

For Petitioner : Mr.G.KARUPPASAMY PANDIAN, Advocate
for Mr.SENTHIL AYYANAR,M. Advocate
For Respondent : Mr.MUTHUMANIKKAM,
Government Advocate (Crl.Side)
For Intervenor : Mr.A.JEYARAM, Advocate

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

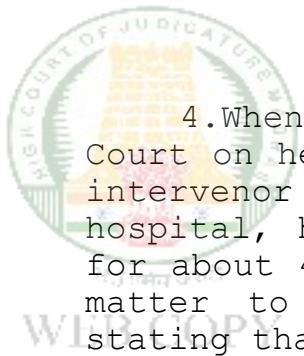
PRAYER :- For Anticipatory Bail in Crime.No.90 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC, in Crime No.90 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was some wordy quarrel between the parties, due to which, the petitioners abused the defacto complainant with filthy language and also attacked him and caused injuries. Hence the complaint.

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



4. When that matter was taken up for hearing on 04.01.2022, this Court on hearing the submission made by the learned counsel for the intervenor that though the injured has been discharged from the hospital, his leg has been severely injured and he was in hospital for about 45 days and has spent nearly Rs.1,50,000/-, referred the matter to the mediation. Mediation Report has been received, stating that the mediation ended in failure.

5. It is not in dispute that the petitioners and the defacto complainant are brothers and there existed civil dispute between the parties.

6. The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and the petitioners are not having any bad antecedents. He would further submit that the investigation is almost completed.

7. Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 Court, Aruppukottai, Virudhunagar 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 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 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.

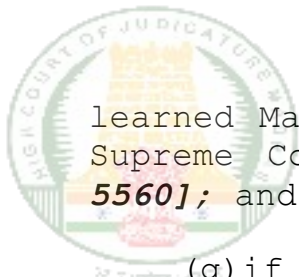
(c) the third petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions

have been breached and the petitioner 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/02/2022

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/ /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
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18802 of 2021

Date :09/02/2022

SS/SBN/SAR.1/14.02.2022/3P/5C