



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.20443 & 20644 of 2021

WEB COPY

1.Piji @ Biju

2.Ani @ Katherina

3.Baby

... Petitioners/Accused No. 2,3 & 4
in CRL.OP(MD).No.20443/2021

Jeyakodi

...Petitioner/Accused No.1
in CRL.OP(MD).No.20644/2021

Vs.

State rep.by

The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Cr.No.521 of 2021.

... Respondent/Complainant
in CRL.OP(MD).No.20443/2021

The Sub Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Cr.No.521 of 2021.

... Respondent/Complainant
in CRL.OP(MD).No.20644/2021

Sridhar

...Intervenor/Nil/Defacto Complainant
in CRL MP(MD)No.512 & 513 of 2022

For Petitioners : Mr.S.Vikram, Advocate.
in CRL.OP(MD).No.20443/2021

Mr.T.Kumar, Advocate.
in CRL.OP(MD).No.20644/2021

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)
in Both petitions

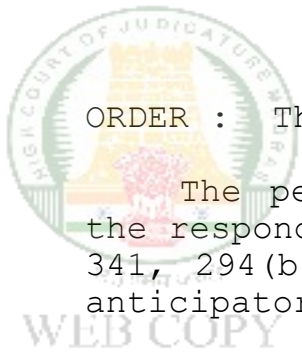
For Intervenor : Mr.S.GokulRaj, Advocate.
In CRL MP(MD)NOS.512 & 513 of 2022

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.521 of 2021 on the file of the
Respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court made the following common order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 341, 294(b), 427, 323 and 506(i) IPC, in Cr. No.521 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a practicing Advocate, that on 02.12.2021, at about 07.10 pm, when he was returning from his office, the petitioner/A1 restrained him and scolded him in filthy language by asking as to why he installed the flex board in front of their house and due to that, the petitioners/A2 to A4 attacked him and pelted stones and gave life threat. Hence, the complaint.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there was some quarrel with regard to the installation of flex board, due to that, the petitioners abused the defacto complainant and attacked him.

5.Considering the facts and circumstances of the case and also the facts that there existed previous enmity between the parties, that the defacto complainant was not at all injured as stated by the learned Government Advocate (Criminal Side) and that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Theni, Theni District.

7.On production of such receipt/acknowledgment, 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, Theni, Theni 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 petitioners and 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/A1 and A3 shall report before the respondent police as and when required for interrogation.

(c) the petitioners/A2 and A4 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.

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

(e) the petitioner 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 imposed 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/02/2022

/ TRUE COPY /

/ /2022

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

das

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,
THENI, THENI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3 THE INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.

4 THE SUB INSPECTOR OF POLICE
PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT BRANCH,
CHENNAI -9.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-1049[I] dated 11/02/2022)

ORDER
IN
CRL OP (MD) No.20443 &
20644 of 2021
Date :11/02/2022

PKP/PN/SAR-3/18.02.2022/4P/8C