



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

Date : 16/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.21063 of 2021

1. V.Paramaguru
2. S.Pandi
3. Anbu

... Petitioners/Accused

Vs

The State rep.by,  
The Inspector of Police,  
Othakadai Police Station,  
Madurai,  
Crime No.667/2021.

... Respondent/Complainant

For Petitioner : Mr.V.Pandiyan,  
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.667 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 IPC in Crime No.667 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the de-facto complainant regarding taking of fish in a Tank near Thirumohur Cremation Yard, due to which, the petitioners scolded the de-facto complainant in filthy language, attacked him with aruval and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing 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 co-accused has already been arrested and released on bail and hence, the petitioners seek anticipatory bail.



4.The learned Government Advocate (Crl. side) would submit that the injured was already discharged from the hospital.

5.Considering the facts that there existed dispute between the parties regarding taking of fish in a Tank, that the injured was already discharged from the hospital, that the co-accused has already been arrested and released on bail and also the fact that except the offence under Section 307 of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Melur, 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 shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/02/2022

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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,  
MELUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE  
OTHAKADAI POLICE STATION, MADURAI,

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

+1 CC to Mr.V.PANDIYAN, Advocate ( SR-1253[I] dated 17/02/2022 )

ORDER

IN

CRL OP(MD) No.21063 of 2021

Date :16/02/2022

SJI

MK/JM/SAR.III/23.02.2022/3P/6C