

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,
Principal District and Sessions Judge,
Perambalur.**

Wednesday, this the 22nd day of July, 2020.

E. Bail No.347/2020

in

Intervene Petition in CrI.M.P.No.643/2020.

1. Anandharaj, 29/2020,
S/o.Rajendran.
2. Karthick, 23/2020,
S/o.Palanivel.
3. Arivazhagan, 26/2020,
S/o.Rajendran.
4. Rajendran, 55/2020,
S/o.Thotti.
5. Sumathi, 49/2020,
W/o.Rajendran.
6. Sekar, 45/2020,
S/o.Kasi.
7. Mayavel, 50/2020,
S/o.Duraisamy,
All are residing at,
Keela Perambalur Post,
Kunnam Taluk,
Perambalur District.

... Petitioners/Accused.

-vs-

Represented by the Sub-Inspector of Police,
Kunnam P.S.
Cr.No.967/2020.

... Respondent/Complainant.

Offence U/S.147, 148, 448, 294(b), 323, 324 and 506(ii) IPC.

Arulsevi, 48/2020,
W/o.Selvarasu,
Middle Street,
Keela Perambalur Village,
Kunnam Taluk,
Perambalur District.

... Intervener/Mother of Defacto
Complainant.

This petition coming on this day before me for order in the form of e-bail by Thiru.K.Dhineshkumar, Advocate for the petitioners and the Public Prosecutor for the State and Thiru.P.Sakthivel, Advocate for the intervener and upon hearing for them, this Court has delivered the following...

ORDER

This petition has been filed U/s 438 of Cr.P.C. for grant of anticipatory bail to the petitioners for the offence U/S.147, 148, 448, 294(b), 323, 324 and 506(ii) IPC.

2. The learned Counsel for the petitioners stated in his petition that the alleged date of occurrence was on 02.07.2020 and FIR was registered on 04.07.2020 and the petitioners are innocent and they have not committed any offence and there is a civil dispute between the petitioners/accused and defacto complainant, a false case has been registered as against the petitioners. He would further submit that the victim was discharged from hospital and victim is in Keelaperambalur and he is not went to out patient treatment and earlier bail application was dismissed by this Court in E-Bail No.311/2020 dated 13.07.2020 and the petitioners are undertake to pay the court fee at the time of surrender and they have not filed any bail application before the Hon'ble High Court of Madras and hence the accused are seeking for anticipatory bail.

3. The petitioners Counsel argued that earlier application dismissed on 13.07.2020, the victim was discharged from hospital, except 506(ii) IPC all other

sections are bailable offence. The petitioner filed anticipatory bail for the offence u/S.147, 148, 448, 294(b), 323, 324 and 506(ii) IPC.

4. The learned Public Prosecutor stated in his reply that investigation is not yet completed, all are absconded till, arrest is required and if anticipatory bail is granted, they may tamper the witnesses and strongly opposed for granting anticipatory bail.

5. The learned Counsel for the intervener has stated that the complainant has sustained head injury and 16 sutures were done, still he was taking treatment as out patient and objected for granting anticipatory bail.

6. A careful consideration of the submission by the Counsels, the occurrence took place on 02.07.2020. The petitioner taking treatment in private clinic due to Covid-19 and the prescription has been filed. The objection raised by the learned Public Prosecutor that the arrest are required and the investigation not yet completed. Considering the above, this Court dismissed the petition for the petitioners 1 to 3 and considering the age of petitioners 4 to 7, this Court granting anticipatory bail on conditions:

Accordingly, (i) that the 4th to 7th petitioners/accused shall in the event of their arrest or surrender before the learned Judicial Magistrate No.II, Perambalur concerned be released on anticipatory bail on executing a bond each for Rs.10,000/- with two sureties each for a likesum, to the satisfaction of the learned Judicial Magistrate No.II, Perambalur and on further condition that

(a) 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 4th to 7th petitioners shall report before the respondent police daily at 10.00 a.m. for one month.

(c) the 4th to 7th petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the 4th to 7th 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 4th to 7th petitioners in accordance with law as if the conditions have been imposed and the 4th to 7th 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]**.

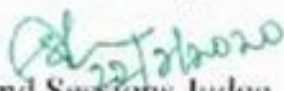
(f) If the 4th to 7th petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC,

(g) that the 4th to 7th petitioners/accused shall surrender before the learned Judicial Magistrate No.II, Perambalur on or before 30.07.2020 or else the anticipatory bail granted to him shall stand automatically cancel.

(h) that the petition is dismissed for the petitioners 1 to 3.

(I) E.Bail No.347/2020 is partly allowed, the intervene petition in Crl.M.P.No.643/2020 is also closed.

Pronounced by me and sent through mail, this the 22nd day of July, 2020.


Principal District and Sessions Judge,
Perambalur.

Copy to:

1. The Judicial Magistrate No.II, Perambalur.
2. The Public Prosecutor, Perambalur.
3. The Sub-Inspector of Police, Kunnam P.S.
4. The Advocate for the petitioners.

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,
Principal District and Sessions Judge,
Perambalur.**

Wednesday, this the 22nd day of July, 2020.

E. Bail No.387/2020

in

Intervene Petition in CrI.M.P.No.653/2020.

Padmanaban, 21/2020, (A-5),
S/o.Venkadachalam,
Olaipadi Village,
Kunnam Taluk,
Perambalur District.

... Petitioner/Accused.

-vs-

Represented by the Inspector of Police,
Kunnam P.S.

Cr.No.1033/2020.

... Respondent/Complainant.

Offence U/S.147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of TNPHW Act,
2002.

Lakshmi,
W/o.Sivaji,
Olaipadi Village,
Kunnam Taluk,
Perambalur District.

... Intervene Petitioner.

This petition coming on this day before me for order in the form of e-bail by Thiru.G.Selvam, Advocate for the petitioner and the Public Prosecutor for the State and Thiru.R.Thangadurai and T.Anbumani, Advocates for the Intervene petitioner and upon hearing for them, this Court has delivered the following...

ORDER

This petition has been filed U/s.438 of Cr.P.C. for grant of anticipatory bail to the petitioner for the offence U/S.147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of TNPHW Act, 2002.

2. The learned Counsel for the petitioner stated that the alleged date of occurrence was on 10.07.2020 and FIR was registered on 17.07.2020 and the

petitioner is an innocent and he has not committed the offence and the petitioner/accused is doing M.B.B.S 4th year in Russia and if he is released on anticipatory bail, he will be ready to furnish sufficient sureties and he will abide the conditions which are imposed by this Court and he will not abscond or tamper the witness or evade justice in any manner and undertake to pay the court fee and he has not filed any bail application before the Hon'ble High Court of Madras and hence the accused is seeking for anticipatory bail.

3. The petitioner's Counsel has argued that the defacto complainant falsely implicated the petitioner as accused and he is the 3rd petitioner. The accused is the defacto complainant in the counter case in Cr.No.1025/2020 and he is studying M.B.B.S 4th year in Russia and he filed the copy of passport and there is no specific overt act as against the petitioner.

4. The learned Public Prosecutor has stated in his reply that the accused were absconded, investigation is not yet completed and strongly opposed for granting anticipatory bail.

5. The intervener Counsel has stated that on 10.07.2020 at about 10.00 a.m. the accused were using filthy language and assaulted and the injured persons were went to hospital.

6. On perusal of the records, the occurrence took place on 10.07.2020 and the FIR has been registered on 17.07.2020. A3 in the complaint is the brother gave a counter case against the defacto complainant. There is no serious objection on the side of learned Public Prosecutor except that the investigation is not yet completed. The petitioner is doing M.B.B.S. in Russia and the document is clearly reveals that. Considering the above, this Court is inclined to grant anticipatory bail on conditions:

Accordingly, (i) that the petitioner/accused shall in the event of his arrest or surrender before the learned Judicial Magistrate, Additional Mahila Court, Perambalur concerned be released on anticipatory bail on executing a bond for Rs.10,000/-with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Perambalur and on further condition that

(a) 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 petitioner shall report before the respondent police 15 days once for period two months.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner shall not abscond either during investigation or trial.

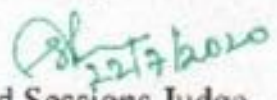
(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

(f) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(g) that the petitioner/accused shall surrender before the learned Judicial Magistrate, Additional Mahila Court, Perambalur on or before 30.07.2020 or else the anticipatory bail granted to them shall stand automatically cancel.

(h) E. Bail No.387/2020 is allowed, Intervene Petition in Crl.M.P.No.653/2020 is also closed.

Pronounced by me and sent through mail, this the 22nd day of July, 2020.


Principal District and Sessions Judge,
Perambalur.

Copy to:

1. The Judicial Magistrate, Additional Mahila Court, Perambalur.
2. The Public Prosecutor, Perambalur.
3. The Sub-Inspector of Police, Kunnam P.S.
4. The Advocate for the petitioner.

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR.**

**Present: Tmt.S. Subadevi, B.A., B.L.,M.B.A.,
Principal District and Sessions Judge,
Perambalur.**

**Wednesday, this the 22nd day of July, 2020.
E. Bail No.380/2020**

in

Intervene Petition in Crl.M.P.No.654 /2020.

1. Venkadachalam, 58/2020,(A-1),
S/o.Sellamuthu.
2. Krishnaprabhu, 29/2020, (A-2),
S/o.Venkadachalam.
3. Ramakrishnan, 26/2020, (A-3),
S/o.Venkadachalam.
4. Mugilan, (A-4),
S/o.Mariyappan.
5. Ramachandran, 48/2020, (A-6),
S/o.Chinnapillai.
6. Rajendran, 52/2020, (A-7),
S/o.Manickam.
All are residing at,
Olaipadi Village,
Kunnam Taluk,
Perambalur District.

... Petitioners/Accused.

-vs-

Represented by the Inspector of Police,
Kunnam P.S.

Cr.No.1033/2020.

Offence U/S.147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of TNPHW Act,
2002.

... Respondent/Complainant.

Lakshmi,
W/o.Sivaji,
Olaipadi Village,
Kunnam Taluk,
Perambalur District.

... Intervene petitioner.

This petition coming on this day before me for order in the form of e-bail by Thiru.P.Sakthivel, Advocate for the petitioners and the Public Prosecutor for the State and Thiru.R.Thangadurai and T.Anbumani, Advocates for the intervener and upon hearing for them, this Court has delivered the following...

ORDER

This petition has been filed U/s.438 of Cr.P.C. for grant of anticipatory bail to the petitioners for the offence U/S.147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of TNPHW Act, 2002.

2. The learned Counsel for the petitioners stated that the alleged date of occurrence was on 10.07.2020 and FIR was registered on 17.07.2020 and the case and counter case were registered and they have not committed the offence and if they are released on anticipatory bail, they will be ready to furnish sufficient sureties and they will abide the conditions which are imposed by this Court and they will not abscond or tamper the witness or evade justice in any manner and undertake to pay the court fee and they have not filed any bail application before the Hon'ble High Court of Madras and hence the accused are seeking for anticipatory bail.

3. The petitioner's Counsel has argued that the 3rd petitioner is the complainant of the counter case and the petitioners are innocent and falsely implicated in this case.

4. The learned Public Prosecutor argued that investigation is not yet completed, all are absconded. If anticipatory bail is granted, they may tamper the witnesses and strongly opposed for granting anticipatory bail.

5. The Intervener Counsel has stated that on 20.07.2020 the 1st petitioner and 5th petitioner were arrested and taken to Police Station then they are released and the persons are having a financial support and muscle power. If anticipatory bail is granted, they may be threatened.

6. On perusal of the records, A1 to A4 are the family members of the 1st petitioner. The complaint was given on 10.07.2020 and the case has been registered

on 17.07.2020. The only objection on the side of learned Public Prosecutor that if anticipatory bail is granted, they may tamper the witnesses whereas objections raised by the intervener that they having financial support and muscle power if anticipatory bail is granted, threatened would be caused. Considering the above, this Court is inclined to grant anticipatory bail for petitioners 2 to 6 and dismissed the petition for the 1st petitioner.

Accordingly, (i) that the 2nd to 6th petitioners/accused shall in the event of their arrest or surrender before the learned Judicial Magistrate, Additional Mahila Court, Perambalur concerned be released on anticipatory bail on executing a bond each for Rs.10,000/-with two sureties each for a likesum each to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Perambalur and on further condition that

(a) 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 2nd to 6th petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

(c) the 2nd to 6th petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the 2nd to 6th 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 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]**.

(f) If the 2nd to 6th petitioners thereafter absconds, a fresh FIR can be


registered under Section 229-A IPC.

(g) that the 2nd to 6th petitioners/accused shall surrender before the learned Judicial Magistrate, Additional Mahila Court, Perambalur on or before 30.07.2020 or else the anticipatory bail granted to them shall stand automatically cancel.

(h) E.Bail No.380/2020 is partly allowed, the Intervene petition in CrI.M.P.No.654 /2020 is also closed.

(I) that the petition is dismissed for the 1st petitioner.

Pronounced by me and sent through mail, this the 22nd day of July, 2020.


Principal District and Sessions Judge,
Perambalur.

Copy to:

1. The Judicial Magistrate, Additional Mahila Court, Perambalur,
2. The Public Prosecutor, Perambalur.
3. The Sub- Inspector of Police, Kunnam P.S.
4. The Advocate for the petitioners.