



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10467 of 2020

1. P.Sundarapandi
2. Balamurugan
3. R. Palani,
4. K. Sethuraman
5. K. Ramar @ Kallaraman
6. P. Puspam
7. Rajalakshmi
8. T. Sundaram @ Sundaram Moorthy
... Petitioners/Accused 1,5,6,9,10,12,13,14

Vs

The State, represented by
The Inspector of Police,
T. Ramanathapuram Police Station,
Madurai District.
(Crime No.36 of 2019) ... Respondent/Complainant

For Petitioners : M/s.S.Paul Muruges,
Advocate.
For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

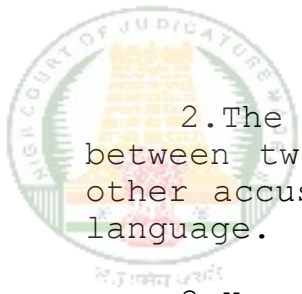
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 36 of 2019 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1, 5, 6, 9, 10,
12, 13, 14, apprehending arrest at the hands of the respondent
police for the offences punishable under Sections 147, 148, 294(b),
323, 324, 427, 506(ii) IPC, in Crime No.36 of 2019 on the file of
the respondent police, seek anticipatory bail.



2.The case of the prosecution is that there was a wordy quarrel between two groups in the temple festival and the petitioners and other accused said to have abused the defacto complainant in filthy language. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that this Court had already granted anticipatory bail to A8 in Crl.O.P.(MD)No.9116 of 2020, dated 03.09.2020. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side)appearing for the respondent police submitted that there was a wordy quarrel between two groups in the temple festival and the petitioners and other accused said to have abused the defacto complainant in filthy language. He further submitted that this Court had already granted anticipatory bail to A8 in Crl.O.P.(MD)No.9116 of 2020, dated 03.09.2020.

6.Considering the facts and circumstances of the case and also considering the fact that this Court already granted anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatty on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two common 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 condition that:

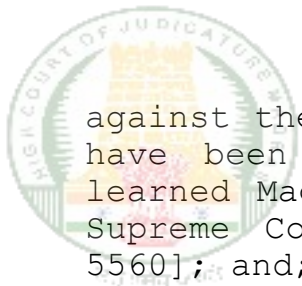
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with 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 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;

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

sd/-
28/09/2020

/ TRUE COPY /

/ /2020
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 NO.II, USILAMPATTI
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
T. RAMANATHAPURAM POLICE STATION, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10467 of 2020
Date :28/09/2020

GNS
AE/JC/SAR-II (30.09.2020) 3P 5C