



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

Date : 08/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.11024 of 2020

1.Ariyamalai
2.Karthick @ Karthik Prabhu
3.Karmegam
4.Malaisamy
5.Copper Murugan @ Senthil Murugan
6.Sabarimalai

...Petitioners/Accused 1 to 6

Vs

The State rep. by
The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
(Cr.No.79 of 2019)

... Respondent/Complainant

For Petitioners: Mr.B.Anandan,
Advocate.

For Respondent : Mr.K.R.Bharathi kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.79 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 294(b), 506(ii) IPC, and Section 3 of Tamil Nadu Public Property (Preventions of Damage and Loss) Act, 1992, in Crime No.79 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.10.2019, the petitioners and unknown persons said to have abused filthy languages in front of Veeracholan TASMACH Shop and also forcibly entered into



the TASMAC Shop and threatened the TASMAC shop's persons with dire consequences and also damaged the asbestos sheet of the said shop, electrical lights, empty bottles and cardboard boxes. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the Bar attached with the TASMAC shop was running by the close relative of the notarial accused. In that locality, the TASMAC Bar was running in the street of the petitioners in the support of notarial accused and on the date of occurrence, in front of the TASMAC Shop the notarial accused attacked an Advocate with Aruval, the same was questioned by the petitioners and others, for which, the Bar licence-holder has preferred this complaint as against the petitioners. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and hence, they seek anticipatory bail.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that nobody was injured in this case.

5.Considering the facts and circumstances of the case and also considering the fact that nobody was injured in this case, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, 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 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 daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on 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/ 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/10/2020

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

ORDER
IN
CRL OP(MD) No.11024 of 2020
Date :08/10/2020

VSD
SRS/ AKM/SAR-IV/ 14.10.2020/ 3P/5C

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