



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

Date : 28/10/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.11927 of 2020

1. Sundarajan
2. Gurusamy
3. Thirumal
4. Umayaraj
5. Meenakshi Sundharam
6. Kalidasan
7. Balamurugan
8. Sethupathi
9. Kamala Kannan
10. Thiru Gnanam

... Petitioners/Accused No.7 to 17

Vs

State Rep. by
The Sub Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
Crime No. 139 of 2020.

... Respondent

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.139 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A7 to A17, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 323, 324, 307 & 506(ii) of IPC in crime No.139 of
2020, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the due to election
dispute, the petitioners attacked the defacto complainant with
deadly weapons. Hence, the complaint.



4. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

5. The learned Government Advocate (Crl. Side) would submit that investigation is still pending.

6. Taking into consideration the facts and circumstances of the case, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (out of which one shall be a blood related surety), 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 at 10.30 a.m., for a period of three weeks and thereafter, 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/ 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2020

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/ /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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
 - 3 THE SUB INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7194[I] dated 29/10/2020)

ORDER
IN
CRL OP(MD) No.11927 of 2020
Date :28/10/2020

gns
JM/VR/SAR III/02.11.2020/3P/6C