



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

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PRESENT

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

CRL OP(MD) . No.12319 of 2020

1. Kaleeshvaran
2. Murugapperumal
3. Thirunavukkarasu
4. Velayutham
5. Tamilselvam
6. Deiventhiran
7. Palanimurugan
8. Nagenthiran @ Nagarathinam
9. Siva
10. Balaguru
11. Pushbam
12. Athiyammal
13. Kunjaravalli
14. Thayammal @ Thailakshmi
15. Valli
16. Kalimuthu

... Petitioners/Accused Nos.
1-5, 7-10, 12-18

Vs

State Rep. by
The Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
Cr.No. 178 of 2020.

... Respondent/Complainant

For Petitioners: M/s.G.Bhagavath Singh,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.178 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1-A5, A7-A10, A12-A18, apprehending arrest at the hands of the respondent police for the



offences punishable under sections 147, 148, 294(b), 323, 324, 336, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.178 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to dispute regarding 'Kummi Adithal' festival in temple, the petitioners and other accused were said to have abused the defacto complainant by using filthy language and also attacked the defacto complainant and others with hands. Hence, the 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 been falsely implicated in this case. He further submitted that no one has sustained injury and no previous case is pending against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that there is no previous case as against the petitioners and no one has sustained injury.

6.Considering the facts and circumstances of the case and also considering the fact that there is no previous case as against the petitioners and no one has sustained injury, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Muthukulathur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 at 10.30 a.m for a period of two weeks without fail 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/11/2020

/ 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, MUTHUKULATHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12319 of 2020
Date : 04/11/2020

DSS

TE/JC/SAR-IV : 11/11/2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>