



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.3732 & 3745 of 2021

Crl.O.P. (MD)No.3732 of 2021

Nagenthiran

... Petitioner/Accused No.5

Vs

State Rep. by
The Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
Crime No. 81 of 2021.

... Respondent/Complainant

For Petitioner : Saravanan C,
Advocate.

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

Crl.O.P. (MD)No.3745 of 2021

1. Amirtham @ Amirdham
2. Umayaraj @ Umaiya Raj
3. Kumar
4. Murugesan
5. Ramamoorthy @ Ramamoorthi
6. Gopalakrishnan @ Gopala Krishnan
7. Ananthajothi
8. S.Kalaimani

... Petitioners/Accused
No.2-4 & 6-10

Vs

State Rep. by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
Crime No. 81 of 2021

... Respondent/Complainant

For Petitioners : Mr.Senthil Murugan C, Advocate.

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

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



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

COMMON PRAYER:-

Anticipatory Bail in Crime No.81 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 505(2) and 506(ii) IPC in Crime No.81 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 01.03.2021, the defacto complainant travelled in a bus by sitting in the footboard, which was objected by the conductor, who is arrayed as A1 in this case, due to which, there was some wordy quarrel arose between them and when the bus entered into the native village of A1, he informed about the occurrence to his relatives, and the petitioners herein are said to have attacked the defacto complainant.

3.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 and they have been falsely implicated in this case. He further submitted that the petitioners also gave complaint against the defacto complainant, which was registered in crime No.80 of 2021 and the same is pending. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Cr1. Side), appearing for the respondent police submitted that a counter case also pending in Crime no.80 of 2021 and the investigation in both cases is pending.

5.It is seen that the defacto complainant travelled in a bus by sitting in a footboard, which was objected by the conductor, who is arrayed as A1 in this case. Due to which there was some wordy quarrel arose between them. When the bus entered into the village of A1, he informed about the occurrence to his relatives and thereafter, all the accused attacked the defacto complainant. It is also seen that a counter case in Crime No.80 of 2021 is pending against the defacto complainant.

6.In view of the above, 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, Mudukulathur, 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 appear before the respondent Police daily at 10.30 a.m., for a period of two 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MUDHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO Mr.P.MUTHUSAMY, ADVOCATE IN SR No. 2223

+ 1 CC TO Mr.C.SENTHIL MURUGAN, ADVOCATE IN SR No. 2213

ORDER IN

CRL OP(MD) Nos.3732 & 3745 of 2021

Date :16/03/2021