



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

Date : 05.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP (MD) No.8174 of 2021

WEB COPY

- 1.Kannan
- 2.Balasubramanian @ Balasubramani
- 3.Muthuirulandi
- 4.Muthuramalingam
- 5.Murugesan @ Murugan
- 6.Murugesan @ Muni @ Muniyasamy
- 7.Muniyasamy @ Ullani
- 8.Karuppaiah @ Karth

... Petitioners/Accused No.1 to 8

Vs

The State Represented by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.103 of 2021

... Respondent/Complainant

For Petitioners : Mr.G.Vishnuram

For Respondent : Mr.M.Muthumanikkam,
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.103 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b) and 307 of IPC in Crime No.103 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 18.06.2021, at about 10.00 a, the defacto complainant along with Ravichandran and Marudhu were cleaning the lorry. At that time, the accused had come there and due to previous enmity in electoral alliances, scolded them in filthy language. Thereafter, there was wordy quarrel between them. The accused called for some others and the other accused came in HEXA four wheeler bearing Registration No.TN 67 3133 with dangerous



weapons. All the accused started attacking the defacto complainant and others. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. He submitted that A1 had been arrested. He also submitted that the injured has been discharged from the Hospital.

5.It is seen that due to previous enmity, there was fight between the accused and the defacto complainant. It is alleged that counter case has been registered on the basis of the complaint given by the petitioners' side in Crime No.104 of 2020 under Sections 147, 148, 294(b), 324, 427, 379 and 506(ii) of IPC. The injured has been discharged from the Hospital. Taking all the above facts into consideration, this Court is inclined to grant anticipatory bail to the petitioners 2 to 8. Since A1 in this case had already been arrested, the petition against him is dismissed. Therefore, this Criminal Original Petition is partly allowed.

6.Accordingly, the petitioners 2 to 8 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchuli on condition that the petitioners 2 to 8 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners 2 to 8 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 2 to 8 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 2 to 8 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 2 to 8 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 2 to 8 in accordance with law as if the conditions have been imposed and the petitioners 2 to 8 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
05/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

ORDER
IN
CRL OP(MD) No.8174 of 2021
Date : 05.07.2021

VB/AKM/SAR.IV/07.07.2021/3P/5C