



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8611 of 2021

1.Muthuramalingam
2.Muniyasamy
3.Muthukumar

... Petitioners/Accused Nos.3, 4 & 6

Vs

The State represented by its.,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District,
Crime No. 158/2021.

... Respondent/Complainant

For Petitioners : Mr.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No. 158/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 341, 324, 307, 506(ii) and 120(b) of I.P.C., in Crime No.158 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the family of the defacto complainant and the family of Muthuramalingam in connection with election. On 16.06.2021 at about 09.00 pm., when the husband of the defacto complainant was standing in Pandiyur to S.V.Mangalam Road, Saravanan, Karmegam and two unknown persons waylaid him and scolded him in filthy language and attacked him with Aruval. As a result, he suffered injuries on



head, left and right side wrist and chest. On hearing his noise, the defacto complainant, Karthy and Durai took him and admitted in the hospital. Hence, the present complaint.

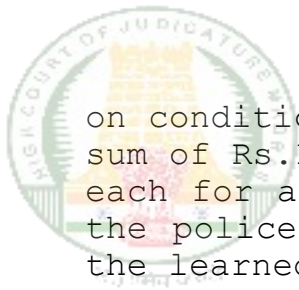
3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor opposed this petition on the ground that the investigation is pending. He further submitted that injured is discharged and the first petitioner is having previous cases. They are as follows:-

Muthuramalingam	1.Nainarkovil Police Station in Crime No.153 of 2021 under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C. 2.Nainarkovil Police Station in Crime No.262 of 2017 under Section 4B of TNOPPD Act. 3.Nainarkovil Police Station in Crime No.258 of 2017 under Sections 143 and 188 of I.P.C. 4.Nainarkovil Police Station in Crime No.254 of 2017 under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C. 5.Nainarkovil Police Station in Crime No.127 of 2016 under Sections 24 and 4(1)(i) of TNP Act. 6.Nainarkovil Police Station in Crime No.122 of 2016 under Section 4(10(i) of TNP Act. 7.Nainarkovil Police Station in Crime No.166 of 2013 under Sections 323, 355 of I.P.C. r/w. Section 3(1)(x) of SC/ST Act. 8.Nainarkovil Police Station in Crime No.157 of 2013 under Section 107 of Cr.P.C. 9.Nainarkovil Police Station in Crime No.159 of 2012 under Section 110(e) of Cr.P.C. 10.Nainarkovil Police Station in Crime No.52 of 2011 under Section 353 of I.P.C. r/w. Section 21(1) of Mines and Minerals Act @ 353 and 379 of I.P.C. r/w. 21(1) of Mines and Minerals Act.
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5.Since the first petitioner is having previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner and the criminal original petition is dismissed as far as the first petitioner is concerned. Considering the fact that injured had been discharged, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

6.Accordingly, the petitioners 2 and 3 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, Paramakudi,



on condition that the petitioners 2 and 3 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 and 3 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 and 3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 2 and 3 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 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-
09/07/2021

/ TRUE COPY /

/ /2021
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, PARAMAKUDI,
RAMANATHAPURAM DISTRICT



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.4524

ORDER

IN

CRL OP(MD) No.8611 of 2021

Date :09/07/2021

(2/3)

IAS

PK/MNR/SAR-V/14.07.2021 : 4P/6C