



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.9136 of 2021

1.Ramesh
2.Murugan
3.Dharmalingam
4.Rajkumar
5.Sudheeswaran @ Sudheesh
6.Dinakaran @ Janakaran
7.Poosaimani
8.Jeya
9.Mahesh @ Maheshwari
10.Kabilan
11.Raji @ Rajakumari
12.Niraimathi
13.Sundar
14.Prakash
15.Nandhakumar @ Rajkumar

... Petitioners/Accused No.1,
2, 4, 6 to 11, 13 to 18.

Vs

The State Represented by,
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.198 of 2021

... Respondent/Complainant

For Petitioners : Mr.R.Murugan, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.198 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), 323, 324, 355 and 506(2) of IPC, Section 4 of
Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section



3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.198 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 15.06.2021, at about 12.00 midnight, the defacto complainant heard the noise of a stone hitting the roof of his house. The defacto complainant, his wife, children and mother came out and saw the accused damaging the defacto complainant's house and some other houses. When the defacto complainant and others asked the accused why they were doing like this, the accused scolded them in filthy language, denigrated their community and started attacking them. The defacto complainant and his mother suffered injuries. The defacto complainant's house and some other houses were damaged. 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. He also submitted that there is a case in counter registered in Crime No.197 of 2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC read with Section 3(1)(c), 3(1)(s) and 3(2)(va) of SC/ST Act. 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. However, he submitted that the injured have been discharged from the Hospital.

5. Narration of facts shows that this is a group clash between two communities. It is submitted that the injured have been discharged from the Hospital. There is also a counter case pending. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 Judicial Magistrate Court, Melur, Madurai 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 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 1 to 6, 10 and 13 to 15 shall report before respondent police daily at 10.30 am., until further orders. The petitioners 7 to 9, 11 and 12 shall report before the respondent police as and when required.

[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].

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

sd/-

13/07/2021

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

+1. C.C. to Mr.R.MURUGAN, Advocate SR.No.4619

ORDER IN

CRL OP(MD) No.9136 of 2021

Date :13/07/2021

SA/JC/SAR.2/15.07.2021/3P/6C

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