



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

Date : 23/07/2021

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PRESENT

**The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP**

CRL OP (MD) . No.9806 of 2021

1. Muthuirulandi
2. Muniyasamy
3. Muthumani

... Petitioner/Accused No.2,3&4

**Vs**

The State Rep. by,  
The Inspector of Police,  
Rameswaram Jetty Police Station,  
Ramanthapuram District.  
(Crime No.149/2021).

... Respondent/Complainant

For Petitioners : Mr.C.Ayaykose, Advocate for  
Mr.C.Susikumar, 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. 149/2021 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC, in Crime No.149 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the accused have assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He further states that co accused was granted bail by this Court in Crl.O.P.(MD) No.9273 of 2021.



4.The learned Government Advocate (Crl.side) for the respondent submits that the injured had been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case that the injured had been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

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 learned District Munsif cum Judicial Magistrate, Rameswaram 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 shall report before the respondent police daily at 10.00 a.m., until further orders;

[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/-  
23/07/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
RAMESWARAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
RAMESWARAM POLICE STATION,  
RAMANTHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.9806 of 2021  
Date : 23/07/2021

mm

USK/SRS/SAR-II : 27/07/2021 : 3P/5C