



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

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD). No.12636 of 2021

WEB COPY

1. Suresh Thevar @ Kasini Vendhan @
S.Suresh Kasiniventhan,
S/o.Srirangam, No.4, Perumpathu,
Srivaikundam, Thoothukudi District.

2. Ramasamy,
S/o. Muthu @ Muthaiah, No.18/18,
Thirumalai Naidu Street, Srivaikundam,
Thoothukudi District.

3. Kombaiah,
S/o. Malai, No.14,
South Muthuraman Kovil Street,
Srivaikundam, Thoothukudi District.

4. Raj Thozhappan @ Raj Kolappan,
S/o. Pandara Thevar, 54A, Perumbathu Street,
Srivaikundam, Thoothukudi District.

5. Sekayam @ Sahayamani,
S/o. Sundalaimuthu @ Chellappa,
No.1/190, Mela Theru, Perur,
Thoothukudi District.

6. Murugan,
S/o. Nambi, 38A, Ellathar Street,
Srivaikundam, Thoothukudi District..

7. Pon.Esakki,
S/o. Raman, No.3/28, South Street,
Ponnankurichi, Vellur,
Thoothukudi District.

8. Udaiyar,
S/o. Rengasamy, No.2/156, East Street,
Perur, Thoothukudi District..

...Petitioners/Accused A1 to A8

Vs

The State Rep.by
The Sub Inspector of Police,
Tirunelvel Taluk Police Station,
Tirunelveli District.

Cr.No. 279 of 2021..

... Respondent/Complainant



For Petitioners : Thangamani B,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

C-8AB. For Anticipatory Bail in Crime No.279 of 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 alleged offence punishable under Sections 147, 148, 341, 294(b), 427, 307 and 506(ii) I.P.C in Crime No.279 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with some other accused persons unlawfully assembled and waylaid the defacto complainant, abused him in filthy language and damaged the car mirror. Hence, the complaint.

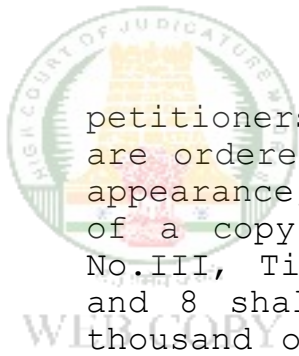
3.The learned counsel for the petitioner submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution. He further submits that it is case in counter and no one was injured.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that no one is injured in this case. He further submits that twenty previous cases are pending against the first petitioner, three previous cases are pending against the third petitioner and two previous cases are pending against the fifth petitioner.

5.Since the petitioners 1, 3 and 5 are having previous cases, this Court is not inclined to grant anticipatory bail to them. This Criminal Original Petition is dismissed as against the petitioners 1, 3 and 5.

6.Considering the facts and circumstances of the case, the fact that no one is injured and the antecedents of petitioners 2, 4, 6, 7 and 8, this Court is inclined to grant anticipatory bail to the petitioners 2, 4, 6, 7 and 8 with certain conditions. Accordingly,

[https://hdservices.ecourts.gov.in/hdservices/Original Petition is allowed as regards the](https://hdservices.ecourts.gov.in/hdservices/Original%20Petition%20is%20allowed%20as%20regards%20the)



petitioners 2, 4, 6, 7 and 8 and the petitioners 2, 4, 6, 7 and 8 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners 2, 4, 6, 7 and 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners 2, 4, 6, 7 and 8 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners 2, 4, 6, 7 and 8 shall report before the respondent police as and when required for interrogation.

(c) the petitioners 2, 4, 6, 7 and 8 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 2, 4, 6, 7 and 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, 4, 6, 7 and 8 in accordance with law as if the conditions have been imposed and the petitioners 2, 4, 6, 7 and 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]***; and;

(f) if the accused/petitioners 2, 4, 6, 7 and 8 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/09/2021

/ TRUE COPY /

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

IAS

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 NO.III,
TIRUNELVELI.

2. DO THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUB INSPECTOR OF POLICE,
TIRUNELVEL TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.12636 of 2021

Date : 03/09/2021

RK/SKN/SAR-II (09.09.2021) 4P 5C