



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : **28/09/2021**
PRESENT

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

CRL OP(MD) . No.14323 of 2021

1. R.Muniyandi
2. M.Eswaran
3. M.Ramakrishnan ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
In Crime No.92/2021. ... Respondent/Complainant

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

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

PRAYER :-For Anticipatory bail in Crime No.92 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 294(b), 342, 323, and 506(i) IPC, in Crime No.92 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to Civil dispute, the petitioners abused the defacto complainant in filthy language and also attacked him. Therefore, the present case came to be registered.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital. He further submitted that no previous case is pending against the first and second petitioners and third petitioner is having four previous cases of similar in nature.



5. In view of the antecedents of the third petitioner/A3, this Court is not inclined to grant anticipatory bail to the third petitioner/A3. **Accordingly, the petition is dismissed insofar as the third petitioner/A3 is concerned.**

6. Insofar as the first and second petitioners are concerned, considering the facts and circumstances of the case, the antecedents and also the fact that the injured person is discharged from the hospital, **this Court is inclined to grant anticipatory bail to the first and second petitioners** subject to the following conditions.

7. Accordingly, this criminal original petition is partly allowed and the first and second petitioner is 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 No.1, Srivilliputhur, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the first and second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the first and second petitioners shall report before respondent police daily at 10.30 a.m until further orders.

[c] the first and second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the first and second petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
28/09/2021

/ 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 NO.I,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14323 of 2021
Date :28/09/2021

TTA/CSM
MK/SKN/SAR.II/05.10.2021/3P/5C