



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15879 of 2021

1. Thirumurugan @ Murugan
2. Sivan Kani @ Sivan Pandian
3. Selvaraj
4. Esakkimuthu
5. Anbu
6. Suresh

... Petitioners/Accused 1 to 6

Vs

The State rep.by
The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.
Crime No.183/2021.

... Respondent/Complainant

For Petitioners: Mr.Venkatesh D,
Advocate.

For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :- For the Anticipatory Bail in Cr.No.183 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b), 323 and 506(ii) of I.P.C., in Crime No. 183 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of prosecution is that due to election dispute between the petitioners and the de-facto complainant, on 06.10.2021, the de-facto complainant while visiting the election booth and returning to North Kaluneerkulam in his two wheeler, at that time, the petitioners waylaid the de-facto complainant, scolded him in filthy language, attacked him and beaten him with hands. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the injured has been discharged from the hospital. He would further submit that one previous case is pending against the petitioners 1 and 3 and six previous cases are pending against the fourth petitioner and no previous case is pending against the petitioners 2, 5 and 6.

5.Considering the facts and circumstances of the case, the injured has been discharged from the hospital, except Section 506 (ii) I.P.C, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3, 5 and 6 with certain conditions.

6.Considering the previous antecedents of the fourth petitioner, this Court is not inclined to grant anticipatory bail to the fourth petitioner and this petition is dismissed as against the fourth petitioner.

7.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1 to 3, 5 and 6 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, Tenkasi, on condition that the petitioners 1 to 3, 5 and 6 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 1 to 3, 5 and 6 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 1 to 3, 5 and 6 shall report before respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

(c)the petitioners 1 to 3, 5 and 6 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 1 to 3, 5 and 6 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 1 to 3, 5 and 6 in accordance with law as if



the conditions have been imposed and the petitioners 1 to 3, 5 and 6 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 1 to 3, 5 and 6 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/10/2021

/ 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, TENKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
V.K.PUDUR POLICE STATION, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15879 of 2021

Date :12/10/2021

TMG/CP

MS/VR/SAR-3/20.10.2021/3P.5C