



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.15733 and 15737 of 2020

1. Naga Vignesh
2. Saravanan
3. Balamurugan
4. Pandiarajan
5. Udayaprakash
6. Naveen

...Petitioners/Accused Nos.1,3to7
(in Crl.O.P(MD) No.15733/2020)

Annamalai

... Petitioner/
Accused Rank Not known
(in Crl.O.P(MD) No.15737/2020)

Vs

The State rep. by
The Inspector of Police,
Ramanathapuram Bazaar Police Station,
Ramanathapuram District.
(Crime No. 518 of 2020).

... Respondent/Complainant
(in both the petitions)

(In both petitions)

For Petitioners: M/s.B.Chandramohan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.518 of 2020 on the file of
the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1, A3 to A7 and A2, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 147,148,294(b),323,324,336 and 307 of IPC seek anticipatory



2.The case of the prosecution is that due to previous enmity all the accused persons unlawfully assembled together with deadly weapons and caused injuries to the defacto complainant and also threatened him with dire consequences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured was discharged from the hospital.

4.The learned Government Advocate(Criminal Side) would submit that based on the complaint given by the father of A2 a criminal case has been registered against the petitioner's group in Crime No. 451 of 2020. On 09.11.2020 when the defacto complainant group went to Ramanathapuram to purchase dress for Diwali, all the accused persons assembled together and attacked him. He would also submit that the injured got discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured discharged from the hospital, this Court is 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 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.I, Ramanathapuram 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

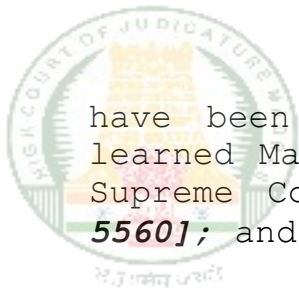
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/01/2021

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

+2 C.C. to M/S.B.CHANDRAMOHAN, Advocate. (SR.Nos.146[I] & 147[I] dated 08/01/2021)

ORDER
IN
CRL OP (MD) Nos.15733&15737/2020
Date :06/01/2021

AAV
SRS/KV/SAR-I/08.01.2021/3P/7C