



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 24/11/2021
PRONOUNCED ON : 29/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . Nos.18268 and 18271 of 2021

Crl.O.P. (MD)No.18268 of 2021:

1. M.Sathish
2. P.Mohanraj
3. J.Janagaraj
4. A.Sampath
5. S.Vijay
6. M.Lakshmikanth
7. V.Prasanth
8. R.Kumaresan
9. R.Sountharaj

Vs

... Petitioners/Accused
Nos.1,3,4,5,6,8,9,10 & 11

The State represented by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Cr.No. 354 of 2021).

... Respondent/Complainant

Crl.O.P. (MD)No.18271 of 2021:

1. M.Sathish
2. P.Mohanraj
3. M.Lakshmikanth
4. R.Sountharaj
5. A.Sampath
6. S.Vijay



7. R.Kumaresan

8. V.Prasanth

9. A.Kandasamy

10. S.Chellaiah

11. V.Kandasamy

12. T.Ramalingam

... Petitioners/Accused
Nos.1 TO 7 AND 9 TO 11 AND 14,15

Vs

The state represented by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Cr.No. 356 / 2021).

... Respondent/Complainant

For Petitioner
in both petitions : M/s.Vinoth Kumar.B,
Advocate.

For Respondent
in both petitions : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.354 and 356 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

Crl.O.P. (MD)No.18268 of 2021:

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.354 of 2021, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant parked his vehicle outside his house, the accused persons blasted crackers near his house and when the same was questioned by the defacto complainant, the accused attacked him with hands and his mother was abused and also threatened them. Hence, the present complaint.



3. The learned Counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case and that therefore, they may be released on anticipatory bail.

CrI.O.P. (MD)No.18271 of 2021:

4. The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.356 of 2021, seek anticipatory bail.

5. The case of the prosecution is that on 04.11.2021, there was a communal clash between Kurumba Goundar community and Muthiraiyar Community in Kolakudi Village and in that connection, the petitioners, who are belonging to Kurumba Goundar community conducted protest and the accused persons themselves poured kerosene on them and threatened others. Hence, the present complaint.

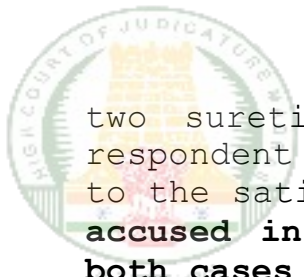
6. The learned Counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case and that therefore, they may be released on anticipatory bail.

7. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that due to a communal clash between two groups, the alleged incidents have been occurred. He would also submit that the investigation in this case is not yet completed. He would further submit that the petitioners are not having any previous cases for similar offences or for any other serious offences.

8. Heard the learned Counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials placed on record.

9. Considering the facts and circumstances of the case and also considering the fact that the petitioners are not having any previous cases for similar offences or for any other serious offences, as stated by the learned Government Advocate (CrI.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Musiri, Trichy District, on condition that the petitioners shall execute a bond for Rs. 25,000/- (Rupees Twenty Five 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 that **the accused in both Crime Numbers shall execute common sureties for both cases** and on further condition that:

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(a)the petitioners shall deposit a sum of Rs.5,000/- (**Rupees Five Thousand only**) each to the credit of Government of Tamil Nadu, Chief Minister Public Relief Fund (CMPRF) in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b)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;

(c)the petitioners shall report before the Gandhi Market Police Station, Trichy daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

sd/-

29/11/2021

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHY DISTRICT.

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

COPY TO:

1 THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI 09.

2 THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY

+2. CC to M/S.VINOTH KUMAR B Advocate SR.No.8665,8666

ORDER
IN
CRL OP (MD) No.18268
& 18271 of 2021
Date :29/11/2021

SSL

SS/JM/SAR-III/02.12.2021 : 5P/9C