



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.20390 of 2021

WEB COPY

1. Ganapathy
2. Praba @ Prabhakaran
3. Pandi
4. Ganesan
5. Sundar
6. Prem @ Premkumar
7. Balaji
8. Naveen
9. Siva @ Sivaraj
10. Selvam @ Selvaraj
11. Boomi @ Boominathan
12. Muthaiah

... Petitioners/Accused Nos.1 to 12

Vs

The State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No. 630 of 2021).

... Respondent/Complainant

For Petitioners: M/S.A.BANUMATHY, Advocate.

For Respondent : Mr.S.MANIKANDAN, Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 630 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 342, 323, 324, 506(ii) IPC, in Crime No.630 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.12.2021, at bullock cart race the accused persons formed an unlawful assembly, abused and assaulted the *defacto* complainant party and also criminally threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by the petitioners, the counter case was registered in Crime No.631 of 2021 against the *defacto* complainant party and that the injured was



discharged from the hospital. Further he would submit that accused in the counter case were already enlarged on bail. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.631 of 2021, against the defacto complainant party and in this case the injured was discharged from the hospital. Further more, he would submit that first accused is having three previous cases, fourth accused is having one previous case, eighth accused is having two previous cases and eleventh accused is having two previous cases at their credit. Out of the above, against the eleventh accused both the cases have been disposed of, against first accused one case has been disposed of and two cases are still pending, against fourth accused one case is still pending and against eighth accused one case is still pending. He also further submit that other petitioners are not having any previous case at their credit.

5.Reading of the FIR shows that during the bullock cart race on 12.12.2021 trouble arose between the parties and both the groups were assaulted each other with weapons. Reading of counter case FIR also shows that in both cases, parties sustained injuries. In this case, the injured was discharged from the hospital.

6.Considering the facts and circumstances of this case, nature of dispute between the parties, that the injured was discharged from the hospital, that it is a case in counter and in the counter case, the co-accused were already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners.

7.However, considering the bad antecedents against the petitioners, ie., first, fourth and eighth accused, this Court is not inclined to grant anticipatory bail to them. Considering that the other petitioners (ie., No.2, 3, 4, 5, 6, 7, 9, 11, 12) are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners No. 2, 3, 4, 5, 6, 7, 9, 11, 12 alone with certain conditions.

8.Accordingly, the petitioners No. 2, 3, 4, 5, 6, 7, 9, 11, 12 are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Karaikudi and on their executing 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 the petitioners 2, 3, 4, 5, 6, 7, 9, 11, 12 shall appear before the trial Court daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners No. 2, 3, 4, 5, 6, 7, 9, 11, 12 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



9. The petitioners No. 2, 3, 4, 5, 6, 7, 9, 11, 12 shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

21/12/2021

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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.

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20390 of 2021

Date : 21/12/2021

PNM

SA/PN/SAR.4/28.12.2021/3P/5C