



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

Date : 25/02/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.643 of 2022

1.M.Ramamoorthy

2.M.Kaliraj

: Petitioners/Accused 1&2

Vs

The State Rep. By,
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No. 5 of 2022).

: Respondent/Complainant

For Petitioners: Mr.Saravanakumar,P.
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the respondent Police.

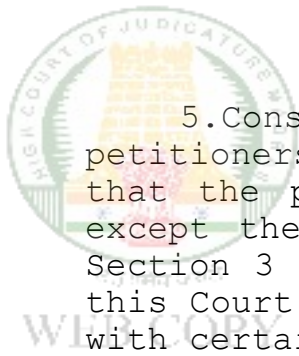
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 380, 109 and 506(ii) of IPC and Section 3 of TNPPDL Act IPC, in Crime No.5 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused trespassed into the de-facto complainant's bar with deadly weapons, attacked the bar workers and also caused damage to his bar. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have only raised objections for supplying of alcohol to the village youngsters.

4.The learned Government Advocate(Crl.Side) would submit that no one was injured in this case and that the petitioners are having no previous case.



5.Considering the nature of the charges alleged against the petitioners and also the facts that no one was injured in this case, that the petitioners are not having any bad antecedents and that except the offence under Sections 506(ii) IPC and 380 of IPC and Section 3 of TNPPDL Act, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each before the learned Judicial Magistrate No.II, Sattur to the credit of Crime No.5 of 2022 without prejudice to their rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

7.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate No.II, Sattur on condition that the petitioner 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 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 daily at 10.30 am for a period of one month and thereafter, 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 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]***; and;

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

sd/-
25/02/2022

/ TRUE COPY /

/ /2022

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.II,
SATTUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-1523[I] dated 25/02/2022)

ORDER
IN
CRL OP(MD) No.643 of 2022
Date :25/02/2022

USK/SBN/SAR-IV/04.03.2022/3P/6C