



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

Date : 07/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.2139 of 2022

1.Sureshkumar
2.Muneeswaran
3.Ashok Kumar
4.Sakthivel

... Petitioners/
Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Karupppaurani Police Station,
Madurai District.
Cr.No.8 of 2022.

... Respondent/Complainant

For Petitioner : Mr.UDHAYAKUMAR.R,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl.Side)

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

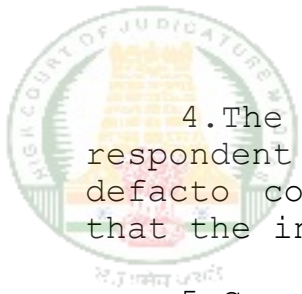
PRAYER :- For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent police.

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, 294(b), 341, 323 and 506(i) IPC, in Cr.No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Clerk at Karupppaurani Village Panchayat. At that time, the defacto complainant colluded with the Ex-President and attempted to swindle the Government money, in which, the Karupppaurani Village Panchayat President and the members had jointly passed the resolution against the panchayat clerk, seeking to transfer, finally the resolution was communicated to the BDO and higher authorities, due to that dispute, the accused attacked the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners jointly attacked the defacto complainant and caused injuries. He would further submit that the injured was discharged from the hospital.

5.Considering the fact that the injured was discharged from the hospital and also considering the fact that except the offence under Section 506(i) IPC, 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 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 Court No.II, Madurai District, on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2022

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

ORDER

IN

CRL OP(MD) No.2139 of 2022

Date : 07/02/2022

SA/SBN/SAR.1/15.02.2022/3P/5C