



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2304 of 2022

1. Selvam
2. Prabhu
3. Andichamy

... Petitioners/Accused Nos.1 to 3

Vs

State Rep.by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Cr.No.43/2022).

... Respondent/Complainant

K.C.Kannan

... Petitioner/Intervener

For Petitioner : M/s.S.Prabha, Advocate
for Mr.P.Balasubramanian,
Advocate.

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

For Intervenor : Mr.S.Nihar Ali, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.43 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 427, 435, 323, 506(i) and 109 of IPC, in Crime No.43 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the third petitioner and the de-facto complainant, due to which, the petitioners abused the de-facto complainant in filthy language and attacked him with stone and also caused injuries. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that yesterday i.e. on 23.02.2022, another FIR came to be registered against the first accused in Crime No.76 of 2022 and he was arrested and is in judicial custody. He would further submit that no one was injured in this case and that the second petitioner is having one previous case and the third petitioner is having two previous cases.

5.The learned counsel for the intervenor opposed to grant anticipatory bail on the ground that the petitioners assaulted the de-facto complainant with stone and caused injuries.

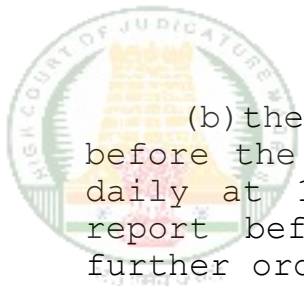
6.Since the first petitioner/A1 was already arrested and remanded to judicial custody on 23.02.2022, this petition is dismissed as infructuous as against the first petitioner is concerned.

7.Considering the nature of charges levelled against the petitioners 2 and 3 and also the facts that no one was injured in this case and that the petitioners 2 and 3 are not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

8.Accordingly, the petitioners 2 and 3 shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) each to the credit of Crime No.43 of 2022 on the file of the learned Judicial Magistrate, Periyakulam, Theni District without prejudice to their rights and contentions before the trial Court.

9.On such deposit, the petitioners 2 and 3 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, Periyakulam, Theni District, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, Madurai daily at 10.30 am for a period of fifteen days and thereafter, report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-
24/02/2022

/ 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,
PERIYAKULAM, THENI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3 THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

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

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-1575[I] dated
28/02/2022)

ORDER

IN

CRL OP(MD) No.2304 of 2022

Date :24/02/2022

RS/SBN/SAR.3(07.03.2022) 4P-7C