



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

Date : 09/02/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2725 of 2022

1.Sakthi Vel @ Sakthi
2.Suresh
3.Gunasekaran
4.Ravi @ Ravi Kumar
5.Kumar @ Selva Kumar
6.Palani @ Palanikumar
7.Karuppiah @ Raja
8.Lakshman @ Munna
9.Karthick
10.Natesan
11.Murugan
12.Kalaiyarasan
13.Naganathan

:Petitioners/A1 to A13

Vs.

The State rep.by
The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.
Cr.No.30 of 2022.

: Respondent/Complainant

For Petitioners : Mr.Laxman,K.R.,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.30 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 13, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 427, 506(ii) and 379 of IPC in Crime No.30 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the third petitioner is running a Barber shop, there was some dispute between the parties with respect to the tenancy, due to which, the petitioners abused the defacto complainant and also attacked him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the third petitioner has preferred a complaint against the defacto complainant and party and on that basis FIR came to be registered in Crime No.28 of 2022 for the alleged offence under Sections 448, 427, 294(b), 506(ii) and 379 of IPC and that subsequently after three days, the defacto complainant has preferred a complaint and on that basis FIR came to be registered in Crime No.30 of 2022 for the offence under Sections 147, 294(b), 323, 427, 506(ii) and 379 of IPC.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and the counter case has been registered in Crime No.28 of 2022 as against the de-facto complainant and party.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) and 379 IPC, all other offences are bailable in nature and also the fact that the counter case in Crime No.28 of 2022 has been registered against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

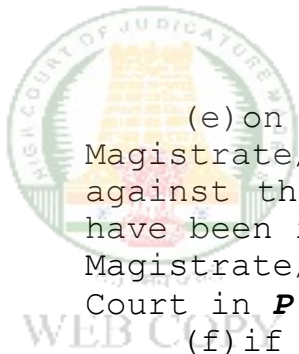
6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Ramanathapuram, on condition that the petitioners shall 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/-

09/02/2022

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-969[I] dated 10/02/2022)

ORDER

IN

CRL OP(MD) No.2725 of 2022

Date :09/02/2022

USK/JM/SAR-II/14.02.2022/3P/6C