



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

Date : 14.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.3017 and 3094 of 2022

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CRL OP(MD). Nos.3017 of 2022 :

Muthuramalingam : Petitioner/A5

Vs.

State rep.by
The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
Cr.No.153 of 2021. : Respondent/Complainant

CRL OP(MD). Nos.3094 of 2022 :

Muthuramalingam : Petitioner/A3

vs.

State rep.by
The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
Cr.No.158 of 2021. : Respondent/Complainant

(in both petitions)

For Petitioner : Mr.Jeyakarthik, M.S
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime Nos.153 and 158 of 2022 on the file of the Respondent police.

ORDER : The Court made the following common order :-

The petitioner/Accused in Crl.OP(MD)No.3017 of 2022, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.153 of 2021 on the file of the respondent police, seek

<https://hcservices.courts.gov.in/hcservices/>
anticipatory bail.



2. The petitioner/Accused in CrI.OP(MD)No.3094 of 2022, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324, 307, 506(ii) and 120 (B) IPC, in Crime No.158 of 2021 on the file of the respondent police, seek anticipatory bail.

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3.The case of the prosecution is that due to previous election motive, the accused persons 1 and 2 waylaid the defacto complainant and abused him in filthy language, attacked him with knife and caused injures. Hence, the complaint.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having 9 previous cases and he is history sheeted rowdy.

5.The learned counsel for the petitioner has filed a list of previous cases and whereunder, it is evident that six previous cases were already disposed and the remaining three cases, one is under the Mines and Minerals Act and the second one is under the TNP Act and the third one is for offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC.

6.Considering the facts and circumstances of the case and also the facts that the co-accused were granted anticipatory by this Court and that the counter case is also pending against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

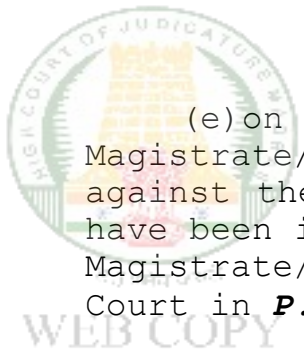
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(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/-
14/02/2022

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

+2 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-1097 & 1098[I] dated 15/02/2022)

ORDER IN
CRL OP(MD) No.3017 & 3094 of 2022
Date :14/02/2022

USK/JM/SAR-I/18.02.2022/3P/7C