



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

Date : 25/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3864 of 2022

WEB COPY

1. Murugesan
2. Amirtham @ Amirtharaj Sivan
3. Jayaram @ Shri Jeyaraman Vijayakumar
4. Shanmuga Sundaram
5. Maris @ Mareeshwaran ... Petitioners/Accused 1 to 5

Vs

State rep.by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.37 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Balaji.A., Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.37 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) and 506(ii) IPC, in Crime No.37 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was election motive between the parties, due to which, the petitioners threatened the defacto complainant with dire consequences. 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 (Criminal Side) appearing for the State would submit that the fourth petitioner was already arrested and released on bail. He would further submit that no one was injured in this case.



5. In view of the submission made by the learned Government Advocate (Criminal Side), the Criminal Original Petition is dismissed in respect of the fourth petitioner.

6. Considering the facts and circumstances of the case and considering the facts that there existed election dispute between the parties, that no one was injured in this case and that except the offence under Section 506(ii) IPC, other offences are bailable nature, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3 & 5 with certain conditions.

7. Accordingly, the petitioners 1 to 3 & 5 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam on condition that the petitioners 1 to 3 & 5 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 1 to 3 & 5 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 1 to 3 & 5 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 1 to 3 & 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1 to 3 & 5 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 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 & 5 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/-
25/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
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,
RAJAPALAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3864 of 2022
Date :25/02/2022

USK/VR/SAR-III/08.03.2022/3P/5C