



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

Date : 08/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4069 of 2022

1. Balusamy

(*)2. Kalaiyarasan @ Kalaiyarasu, ... Petitioners/Accused No.1 & 3
Vs

1.State Rep.by

The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

Cr.No.55/2022.

... Respondent/Complainant

For Petitioner : Mr.Vidhya Sagar, S.
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2022 on the file of the Respondent police.

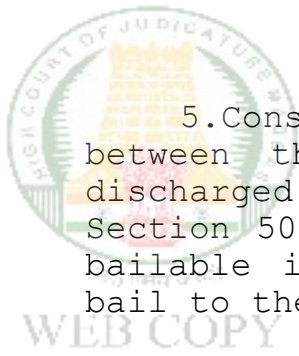
ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.55 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to election motive, the petitioners abused the defacto complainant in filthy language, attacked him, caused injuries and also threatened him 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 (Crl.Side) appearing for the State would submit that the injured was discharged from the hospital.



5.Considering the fact that there existed election dispute between the parties and also the facts that the injured was discharged from the hospital and that except the offence under Section 506(ii) IPC and Section 4 of TNPHW Act, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only)each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi.

7.On production of such receipt/acknowledgment, 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, Paramakudi, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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 petitioners 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2022

(*)FOR BEING MENTIONED,AS PER THE ORDER OF THIS HONOURABLE COURT DATED 22/03/2022 IN CRL OP(MD) No.4069 of 2022.

Time is extended for further two weeks for executing sureties, from the date of receipt of a copy of the amended order.

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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

TO BE SUBSTITUTED WITH THE ORDER DATED 08/03/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,PARAMAKUDI

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

3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-1809[I] dated 08/03/2022)
ORDER

IN

CRL OP(MD) No.4069 of 2022

Date :08/03/2022

RS/SBN/SAR.1(11.03.2022) 3P-7C

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PKP/PN/SAR-1/31.03.2022/3P/7C

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