



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.03.2022
PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4197 of 2022

1. R.Saravanan
2. R.Muthulashmi
3. R.Velmurugan

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
B5 South Gate Police Station, Madurai District.
(Crime No.271 of 2019)

...Respondent/Complainant

For Petitioners: Mr.P.Palani,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.271 of 2019 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 and 506(1) IPC, in Crime No.271 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had attacked the defacto complainant, abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have already filed the application before the Principal Sessions Court, in Crl.M.P.No.3139 of 2019, seeking anticipatory bail and the learned Sessions Judge, vide order dated 25.07.2019, has granted the anticipatory bail by imposing certain conditions. He would further submit that subsequently the petitioners have entered into compromise with the defacto complainant and hence, they have not chosen to comply with the conditions imposed by the learned Principal Sessions Judge and that the respondent police has now informed that they are going to file the charge sheet before the



concerned Court. Hence, the petitioners are forced to file the present application.

5.Considering the above facts and also the facts that except the offence under Section 506(1) IPC, all other offences are bailable in nature and that that petitioners were already granted anticipatory bail by the Sessions Court, 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 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 No.4, Madurai, 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 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 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 petitioners 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2022

/ 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.

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.4
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
B5, SOUTH GATE POLICE STATION, MADURAI DISTRICT.

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

+1 CC to Mr.K.MURUGAN, Advocate (SR-1715[I] dated 04/03/2022)

ORDER

IN

CRL OP(MD) No.4197 of 2022

Date :03/03/2022

CSM

MK/PN/SAR.I/10.03.2022/3P/6C