



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6137 of 2022

1. Nandhakumar
2. Tamilarasan
3. Vasanth @ Vasanthakumar
4. Alagar
5. Chandramohan

... Petitioners/
Accused Nos.2,3 and 5 to 7

Vs

The State rep.by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.24/2022).

... Respondent/Complainant

Mohankumar

... Petitioner / Intervenor
in Crl MP(MD)No.4783 of 2022

For Petitioner : MR.C.Gunasekaran,
Advocate.

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

For Intervenor : Mr.R.Rajaselvan, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.24/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 & A5 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 147, 148, 294(b), 307, 323, 324, 341, 427, 506(2) and 379 NP of IPC, in Crime No.24 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners abused the de-facto complainant in filthy language and attacked him with deadly weapons and thereby, the complainant sustained injuries. 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) would submit that the petitioners 1 and 3 were already arrested and that some other co-accused were already arrested and released on bail.

5.Since the petitioners 1 and 3 were already arrested, this petition is dismissed as against the petitioners 1 and 3 are concerned.

6.Considering the nature of the charges levelled against the petitioners 2, 4 and 5 and also the fact that the co-accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners 2, 4 and 5 with certain conditions.

7.Accordingly, the petitioners 2, 4 and 5 shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Melur, Madurai District.

8.On production of such receipt/acknowledgment, the petitioners 2, 4 and 5 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, Melur, Madurai District, on condition that the petitioners 2, 4 and 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 learned Magistrate concerned and on further conditions that:

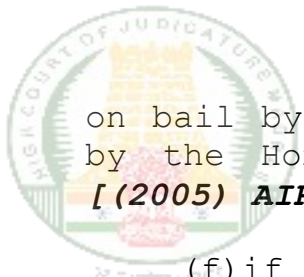
(a)the petitioners 2, 4 and 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 2, 4 and 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 2, 4 and 5 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2, 4 and 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 2, 4 and 5 in accordance with law as if the conditions had been imposed and the petitioners 2, 4 and 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/04/2022

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

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH,
CHENNAI-9.

+1. CC to Mr.R.RAJASELVAN, Advocate SR.No.3570.

ORDER

IN

CRL OP(MD) No.6137 of 2022

Date :20/04/2022

SJI

MK/VR/SAR.I/26.04.2022/3P/7C

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