



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6251 of 2022

1. Alex @ Alexander
2. Karuppasamy
3. Abishek
4. Selvam @ Tamilselvan
5. Anandakumar
6. Ajithkumar ... Petitioners/Accused's A2,A6,A7,A8,A9,A12

Vs

The Inspector of Police,
Elayirampennai Police Station,
Vembakottai Taluk,
Virudhunagar District.
Crime No.44/2022.

... Respondent/Complainant

For Petitioner : Mr.S.Ponsaravanan,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.44 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2, A6, A7, A8, A9 and A12, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 355 and 506(ii) IPC, in Crime No.44 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, all the accused abused the defacto complainant in filthy language and attacked him and also caused 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. He would further submit that the case in counter in Crime No.43 of 2022 is pending against the de-facto



4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that the case in counter in Crime No.43 of 2022 is pending against the de-facto complainant and party, 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 their 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 No.I, Sattur, Virudhunagar District, 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 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 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 shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy daily at 10.30 am for a period of fifteen days and thereafter, the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

(c)the petitioners shall not tamper with 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]***; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/04/2022

/ 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 NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VEMBAKOTTAI TALUK,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY

+1 CC to Mr.S.PONSARAVANAN, Advocate (SR-3029[I] dated 06/04/2022)

ORDER
IN
CRL OP(MD) No.6251 of 2022
Date :05/04/2022

SJI
MK/VR/SAR.IV/12.04.2022/3P/7C