



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

Date : 28/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6455 of 2022

WEB COPY

1. Josuva
2. Amirtham @ Sonu
3. Mersi
4. Nagalakshmi
5. Papa
6. Anthoniyammal
7. Jeyameri
8. Murugan

... Petitioners/Accused Nos.1 to 8

Vs.

State Rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No 41 of 2022).

... Respondent/Complainant

Pappa

... Petitioner/Intervener

For Petitioners : M/s.Vadivelan.T., Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.M.A.Jinnah, Advocate

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

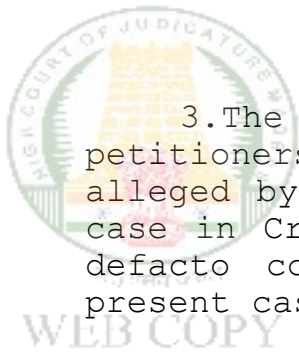
PRAYER :-

For Anticipatory Bail in Crime No.41 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 506(2) IPC and Section 4 of TNPHW Act, 2002, in Crime No.41 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed civil dispute between the parties, the petitioners along with other accused assaulted the defacto complainant and abused him in filthy language. 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 since the case in Crime No.45 of 2022 was registered against the son of the defacto complainant under the provisions of the POCSO Act, the present case has been foisted against the petitioners.

4.The learned counsel for the intervenor would submit that the petitioners attacked the defacto complainant with wooden log and stone and caused injury and hence, he opposed to grant for anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital. He would further submit that the petitioners are not having any previous case.

6.Considering the above facts and circumstances and also the facts that the injured was discharged from the hospital, that the counter case in Crime No.45 of 2022 has been registered against the defacto complainant and party and that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Peraiyur, 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 1, 2 and 8 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]petitioners 3 to 7 shall report before the respondent police as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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]***.

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

sd/-

28/04/2022

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

ORDER

IN

CRL OP(MD) No.6455 of 2022

Date :28/04/2022

RS/SVR/SAR.4 (06.05.2022) 3P-5C