



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6617 of 2022

1. Ragunatharajan,

2. Kaviarasan,

... Petitioners/Accused Nos.1 & 2

Vs

The State Rep by,
The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
Cr.No. 27 of 2022.

... Respondent/Complainant

For Petitioners : Mr.T.Palanisamy, Advocate.

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

For Intervenor : Mr.R.Murugappan, Advocate

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

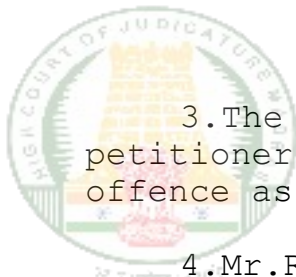
PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(ii) IPC, in Crime No. 27 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a contractor in Public Welfare Department, there was some motive between the petitioners and the defacto complainant with regard to the contract work, the petitioners along with other accused trespassed into the defacto complainant's property, abused him in filthy language and also attacked him. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.Mr.R.Murugappan, learned counsel for the intervenor would submit that the petitioners had trespassed into the defacto complainant's property and caused criminal intimidation to the family members of the defacto complainant.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that no one was injured in this incident, that the first accused is having one previous case for the offence under Section 506 (ii) IPC and that the second accused is not having any bad antecedents.

6.Considering the facts and circumstances of the case and also considering the facts that there arose wordy quarrel between the parties regrading the PWD contract work, that no one was injured in this incident and that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, 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 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, Musiri, 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 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 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



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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2022

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

DAS

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,
MUSIRI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-3134[I] dated 08/04/2022)

ORDER
IN
CRL OP(MD) No.6617 of 2022
Date :08/04/2022

PKP/VR/SAR-4/19.04.2022/3P/6C