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Crl.O.P(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/05/2022

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP (MD) . Nos.6927 and 6972 of 2022**

Ilaiyaraja @ Madhubalan

... Petitioner/Accused  
Rank Not Known  
in Crl.O.P (MD) .No.6927 /2022

1.Ramesh

2.Muthukumar

3.Rajeshwari @ Rajeshwari Mahamuni

4.Pappa @ Pappa Chandran

... Petitioners/Accused 2,3,11 & 12  
in Crl.O.P (MD) .No.6972/2022

**Vs**

The State rep.by  
The Inspector of Police,  
Ramjeenagar Police Station,  
Trichy District.  
(Crime No.96 of 2022).

... Respondent/Complainant  
in both petitions

**(\*)M.Rabinraj**

... Petitioner/Intervener/Victim  
in Crl.MP (MD) .5781/2022 in  
Crl.OP (MD) .6927/2022

... Petitioner/Intervener/Victim  
in Crl.MP (MD) .5784/2022 in  
Crl.OP (MD) .6972/2022

Anand Jusuraj

... Intervener/Defacto Complainant  
in Crl.MP (MD) .6029/2022 in  
Crl.OP (MD) .6927/2022

... Intervener/Defacto Complainant  
in Crl.MP (MD) .6033/2022 in  
Crl.OP (MD) .6972/2022



For Petitioners  
(In both Crl.O.Ps)

: Mr.C.SUSI KUMAR, Advocate

For Respondent  
(In both Crl.O.Ps)

: Mr.A.THIRUVADI KUMAR,  
Additional Public Prosecutor

For Intervenor :Mr.B.JAMEEL ARASU, Advocate  
(In Crl.M.P(md).Nos.6029 and 6033 of 2022)

For Intervenor : Mr.V.ILLANCHEZIAN, Advocate  
(In Crl.M.P.Nos.5781 and 5784 of 2022)

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

**COMMON PRAYER :-**

For Anticipatory Bail in Crime No.96 of 2022 on the file of the respondent Police.

**COMMON ORDER :** The Court made the following Common order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147,148, 294(b), 427, 324, 307 and 506(ii) of IPC, in Crime No.96 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners along with other accused attacked the defacto complainant with deadly weapons and caused serious injuries to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Based on the false information, the above case was foisted against the petitioners and hence he seeks bail. He would further submit that the petitioners are ready to deposit a sum of Rs.4,00,000/- without the prejudice to their rights for the medical expenses of the defacto complainant.

4.The learned Additional Public Prosecutor would submit that due to civil dispute, the petitioners attacked the defacto complainant and caused grievous injuries to him and also submitted that the petitioners are not having any previous cases.

5.The learned counsel for the intervenor appearing for the defacto complainant vehemently opposed to grant anticipatory bail to the petitioners.



6. Considering the facts and the circumstances of this case and that the petitioners are not having any previous cases and also the fact that the petitioners have come forward to pay a sum of Rs.4,00,000/- (Rupees four Lakhs only) jointly, this Court is inclined to grant anticipatory bail to the petitioners. 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.II, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) The petitioners are directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.96 of 2022 on the file of the learned Judicial Magistrate No.II, Trichy, within a period of fifteen days from the date of receipt of a copy of this order and on such deposit, the learned Judicial Magistrate No.II, Trichy, is directed to disburse the same for the medical expenses of the defacto complainant.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter, as and when required;

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



(g)if the accused thereafter absconds, a fresh FIR be registered under Section 229-A IPC.

sd/-  
11/05/2022

(\*) AMENDED as per order of this Court dated 30/11/2022 in CRL MP (MD)No.14833/2022 in CRL OP(MD) No.6927/2022 & CRL MP(MD) No.14835/2022 in CRL OP(MD) No.6972/2022.

/ TRUE COPY /

/01/2023

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**

**TO BE SUBSTITUTED WITH THE ORDER DATED 30/11/2022 ALREADY DESPATCHED.**

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, RAMJEENAGAR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER IN**

CRL OP(MD). Nos.6927 and  
6972 of 2022  
Date :11/05/2022

SA/VR/SAR.4/11.05.2022/4P/5C  
DSS  
USK/VR/SAR-IV/02.01.2023/4P/5C