



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

Date : 18/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7062 of 2022

WEB COPY

1. Ponnusamy
2. Sethupathy
3. Bhuvanesh Raja
4. Kathammal

... Petitioners/Accused No.1 to 4

Vs

The State Rep. By,
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.85 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.86 of 2022 on the file of the
Respondent Police.

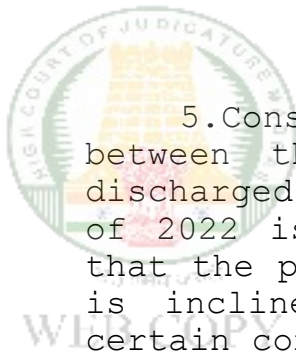
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323 and 506(1) IPC and Section 4 of TNPHW Act, in Crime
No.85 of 2022 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that there was previous enmity
between the petitioners and the defacto complainant and due to that,
the petitioners threatened the defacto complainant and assaulted
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.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 counter case has been
registered in Crime No.87 of 2022 against the defacto complainant.



5.Considering the fact that there existed previous enmity between the parties and also the facts that the injured was discharged from the hospital, that the counter case in crime No.87 of 2022 is pending against the *defacto* complainant and party and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners 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, Nilakkottai, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 1 to 3 shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

(c)the fourth petitioner 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]***; and;

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

sd/-
18/04/2022

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

+1 CC to M/s.P.GANAPATHY SUBRAMANIAN, Advocate (SR-3605[I] dated 20/04/2022)

ORDER
IN
CRL OP(MD) No.7062 of 2022
Date :18/04/2022

das
USK/PN/SAR-I/21.04.2022/3P/6C