



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7330 of 2022

1. M.Vigneshwaran @ Vignesh
 2. S.Anbu
 3. K.Vijayan @ Viji
 4. K.Saranraj
 5. R.Viji
 6. G.Sasinath
- ... Petitioners/Accused Nos.6,9,10,13,14&17

Vs

State represented by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.77 of 2022)

... Respondent/Complainant

For Petitioners: Mr.A.Joel Paul Antony,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.77 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 342, 323, 332 and 506(2) IPC, in Crime No.77 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Head Constable of Thiruverumbur Police Station and from 29.03.2022 onwards, he was doing the traffic police duty at Madhura Kalliamman Temple festival, Thottiyam, that on 03.04.2022 at about 07.00 p.m., when the defacto complainant was regulating the traffic,



the petitioners along with other accused unlawfully assembled together and caused disturbance to Karthikaipatti area people and that when the same was questioned by the defacto complainant, the first accused attacked him with brick stone and other accused beaten him with hands. Hence, the complaint.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital and that the petitioners are not having any previous cases.

5.Considering the facts that there arose wordy quarrel between the parties regarding temple festival, that the injured was already discharged from the hospital, that except the offences under Sections 332 and 506(2) IPC, all other offences are bailable in nature and that the petitioners are not having any bad antecedents, 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 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, Thottiyam, Trichy 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 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 shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.



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

sd/-
21/04/2022

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

ORDER
IN
CRL OP(MD) No.7330 of 2022
Date :21/04/2022

RS/PN/SAR.2 (26.04.2022) 3P-5C