



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.8005 of 2022

1. D.Kathiresan

2. S.Parthasarathy

... Petitioners/Accused 1&2

Vs

State represented by its
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.160 of 2022)

... Respondent/Complainant

For Petitioners: Mr.M.Subash Babu
for Mr.V.B.Sundhareshwar,
Advocate.

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

For Intervenor : Mr.S.T.Sasidharan Tamilkani, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.160 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(2) IPC, in Crime No.160 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant questioned the first petitioner for his absence in the Grama Sabha meeting held at Mettamalai Panchayat, there was wordy quarrel arose between them and thereafter, the petitioner along with the other accused abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.Mr.S.T.Sasidharan Tamilkani, learned counsel appeared for the defacto complainant has raised his objections.



4.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.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in the incident.

6.Considering the above facts and circumstances and also the facts that no one was injured in the incident and that except the offence under Section 506(2) 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 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.2, Sattur, 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/-

28/04/2022

/ 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 NO.II,
SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.B.SUNDHARESHWAR, Advocate (SR-3974[I] dated
28/04/2022)

+1 CC to M/s.S.T.SASITHARAN TAMILKANI, Advocate (SR-3975[I] dated
28/04/2022)

+1 CC to M/s.V.B.SUNDHARESHWAR, Advocate (SR-4272[I] dated
02/05/2022)

ORDER
in
CRL OP(MD) No.8005 of 2022
Date :28/04/2022

SS/VR/SAR:IV/04.05.2022 : 3P/8C