



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

Date : 29.04.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.8393 of 2022

1. R.Muthu

2. S.Saravanamuthu

3. K.Soalai Saravanan

4. K.Selvakumar

... Petitioners/Accused Nos. 1 To 4

Vs

The State represented by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.28 of 2020)

...Respondent/Complainant

For Petitioners: Mr.R.Kannan, Advocate.

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

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

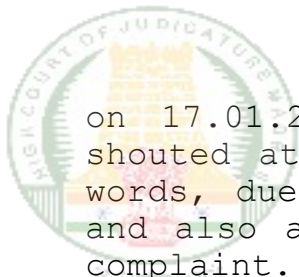
PRAYER :-

For Anticipatory Bail in Crime No.28 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 427, 323, 324 and 506(2) IPC, in Crime No.28 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter-in-law and all the major political parties were contesting for the post of Union Councilor in Kariapatti Union and that the defacto complainant's daughter-in-law lost in the said election and AIADMK candidate was declared as returning candidate and in order to celebrate their victory, they have arranged party meeting at Thoppur



on 17.01.2020 and at that meeting, the petitioners deliberately shouted at the defacto complainant's family with unparliamentarily words, due to that, verbal exchange cropped up between the parties and also attacked each other with fist and wooden log. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners have earlier filed an application in Crl.O.P.(MD)No.1450 of 2020 seeking anticipatory bail and this Court vide order dated 29.01.2020 has granted anticipatory bail with certain conditions and that since the satisfaction Court was wrongly mentioned and due to COVID-19 restrictions, the petitioners could not furnish the sureties and they were constrained to file another application in Crl.O.P.(MD)No.847 of 2022 and this Court vide order dated 27.01.2022 has granted anticipatory bail. He would further submit that the petitioners could not furnish the sureties and hence, they were forced to file the present application for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed.

5.Considering the above facts and circumstances and also the facts that investigation is almost completed and that the petitioners were granted anticipatory bail by this Court twice earlier, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand Only)** each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Virudhunagar District.

7.On production of such receipt/acknowledgment, 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, Virudhunagar 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.

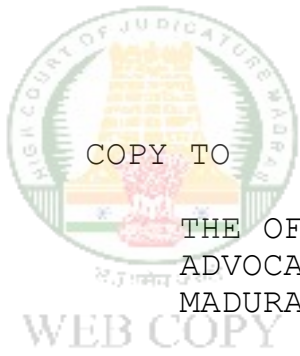
sd/-
29/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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



COPY TO

THE OFFICER INCHARGE
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KANNAN, Advocate (SR-4134[I] dated 29/04/2022)

ORDER
IN
CRL OP(MD) No.8393 of 2022
Date :29/04/2022

PKP/JM/SAR-2/06.05.2022/4P/7C