



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) . No.8548 of 2022

1. Muneeswaran @ Pottaiyan

2. Muniyandi @ Puthuran

3. Pon Irulappan

4. Muneesh @ Muneeswaran ... Petitioners/Accused 1 to 4

Vs

The State represented by
The Inspector of Police,
Ammapatti Town Police Station,
Virudhunagar District.
Crime No. 13/2022.

... Respondent/Complainant

Chellaiaraja ... Petitioner/Defacto Complainant/Injured
in CRL MP(MD) No.6018 of 2022

For Petitioner : M/s.Saravanakumar.P,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

For Intervenor : Mr.G.Karuppasamy Pandian, Advocate

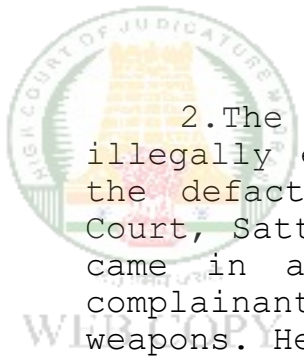
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 13 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 offence under Sections 147, 148,
342, 294(b), 323, 506(ii) and 307 of IPC in Cr.No.13 of 2022, on
the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners have illegally encroached the public road, due to which, the mother of the defacto complainant filed a suit before the District Munsif Court, Sattur. While so, on 24.04.2022, when the defacto complainant came in a two-wheeler, the accused persons abused the defacto complainant in filthy language and attacked him by using deadly weapons. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocents.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the injured person in this case has been discharged from the hospital.

5. Mr.G.Karuppasamy Pandian, the learned counsel appearing for the intervenor submits that the petitioners joined together and brutally attacked the defacto complainant. He vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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.II, Sattur, 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 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;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

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

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

16/05/2022

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

ssb/cm

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
AMMAPATTI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.SARAVANAKUMAR, Advocate (SR-4644[I] dated 12/05/2022)

ORDER

IN

CRL OP(MD) No.8548 of 2022

Date :11/05/2022

SS/JM/SAR:II/16.05.2022 : 3P/6C