



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

Date : 19/05/2022

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.9070 of 2022

1. M.Jeyapandi
2. Palraj
3. Kathirkaman
4. Muthusamy
5. Surendran
6. Karuppayee
7. Lakshmi
8. J.Gokila
(Wrongly Mentioned in FIR Kogila)
9. P.Mathan
10. Anna Perumayee,
(Wrongly Mentioned in FIR as Perumayee)
11. P. Manikandan
12. Nithya
13. Masanan
14. Paniroja
15. Silambarasan
(Wrongly Mentioned in FIR as Vasudevan)
16. P. Kavitha
17. P. Vivekananthan
18. M. Kamala
19. P. Vivek
20. P. Thilagavathi,
(Wrongly Mentioned in FIR as Delaga)
21. Rakkammal,
(Wrongly Mentioned in FIR as Rajammal)
22. Perumalthevar
23. Manimegalai

... Petitioners/Accused 1 to 23

Vs

The State rep.by,
The Sub Inspector of Police,
Valandur Police Station,
Madurai District.
(*) (Crime No.43/2022)

... Respondent/Complainant

Ramesh

... Intervening Petitioner /
Defacto Complainant
In Cr1.M.P(MD) .No.6069 of 2022



For Petitioners : Mr.S.Mahendrapathy,
Advocate.
For Intervenor : Mr.G.Thalaimutharasu, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail **(*) (Crime No.43/2022)** 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 147, 148, 294(b), 323, 324, 379(NP) and 506(ii) IPC, in **(*) (Crime No.43/2022)** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant with regard to the temple festival to be conducted and due to that, the petitioners attacked the defacto complainant and thereby, he sustained injury. Hence, the complaint.

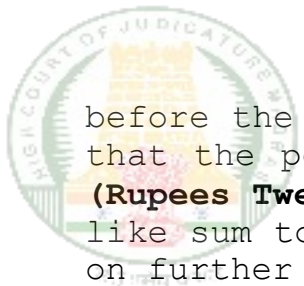
3.The learned counsel for the intervenor raised objection stating that the petitioners cause interference to conduct temple festival peacefully and they are also not agreeing with the suggestion made in the peace committee meeting.

4.The learned Government Advocate (Criminal Side) appearing for the State also raised some objection stating that the temple festival was fixed on 10.06.2022 and if the petitioners are released on bail, they will cause interference to conduct temple festival peacefully.

5.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. He further submits that the petitioners are ready to co-operate for conducting festival peacefully and they will not cause any interference.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioners, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order,



before the learned Judicial Magistrate-II, Usilampatti, 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:

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(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 are directed to file an undertaking affidavit before the trial Court within a week from the date of receipt of a copy of this order ,failing which, the petition for anticipatory shall stand dismissed automatically.

(c)the petitioners 6,7,8,10,12,14,16,18,20,21 and 23 shall report before the respondent police as and when required for interrogation and the other petitioners shall report before the respondent police **once in a week (ie., on every Wednesday) at 10.30 a.m.,** for a period of six weeks, and thereafter, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

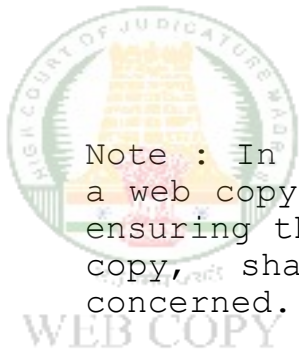
sd/-
19/05/2022

**(*)Amended as per order of this Court
dated 19.05.2022 in CRL MP(MD)
No.6068/2022 in CRL OP(MD) No.9070/2022.**

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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 NO.II
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
VALANDUR POLICE STATION, MADURAI DISTRICT.

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

+1 CC to MR.S.MAHENDRAPATHY, Advocate (SR-5004[I] dated 23/05/2022)

+1 CC to MR.G.THALAIMUTHARASU, Advocate (SR-4898[I]dated 20/05/2022)

ORDER

IN

CRL OP(MD) No.9070 of 2022

Date :19/05/2022

RMK

MK/PN/SAR.IV/26.05.2022/4P/7C