



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

Date : 18/05/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.9256 of 2022

1. M.Mookkandi
2. Petchimuthu Malayandi
3. Mookkandi Arumugam
4. Thamban Paramasivam
5. Madasamy Marimuthu

... Petitioners/Accused (1 to 5)

Vs

The State Rep. By,
The Special Sub Inspector Of Police,
Murappanadu P.S,
Thoothukudi District.
Crime No. 99 of 2022.

... Respondent/Complainant

For Petitioners: Mr.G.Anto Prince,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 99 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 offences punishable under Sections 147, 148, 294(b), 427 and 506(ii) of IPC, in Crime No.99 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that The petitioners and other unknown person said to have damaged the vehicle of the defacto complainant and scolded him and threatened him with dire consequences. Hence, the complaint.

3.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.



4.The learned Government Advocate (Criminal Side) appearing for the State would submit that there are no previous case pending against the petitioners and a counter case has been registered against the defacto complainant in Crime No.100 of 2022.

5.Considering the fact that the petitioners are not having any bad antecedents and that it is a case in counter, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Srivaikundam, Thoothukudi 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 learned 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 **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.

(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]**; and;

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

sd/-
18/05/2022

/ TRUE COPY /

20/05/2022
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-I,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SPECIAL SUB INSPECTOR OF POLICE,
MURAPPANADU P.S,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-4764[I] dated 19/05/2022)

ORDER

IN

CRL OP(MD) No.9256 of 2022

Date :18/05/2022

vsg

USK/JM/SAR-II/20.05.2022/3P/6C