



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

Date : 24/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10194 of 2022

WEB COPY

1. M.Selvapandi
2. T.Muthupandi
3. P.Alagar Raja
4. Kamatchi
5. A.Thangapandi
6. V.Gopinathan @ Gopi
7. John Pandi

... Petitioners/A1-A7

Vs

State Rep.by
The Sub Inspector of Police,
Jayamangalam Police Station,
Theni-625 562.
(Crime No.104 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Srithar V, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

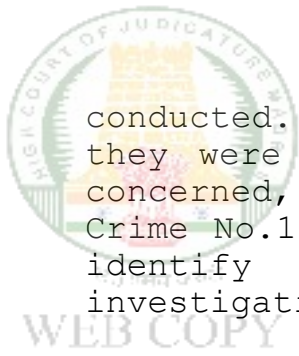
For Anticipatory Bail in Crime No.104 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) I.P.C, in Crime No.104 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a trouble between two groups in a temple festival, in which, the accused persons have abused and assaulted the defacto complainant and caused damages to a bike. Hence, the complaint.

3.The learned Government Advocate (Crl.Side) appearing for the respondent and the respondent also appeared before this Court and submitted that over a petty issue, there was clash between two groups and a Peace Committee Meeting was also arranged. Since Sub Collector went on transfer, Peace Committee Meeting could not be



conducted. Totally 10 persons were arrested in both the groups and they were also released on bail. As far as the petitioners are concerned, one of the petitioner is suspected to be involved in Crime No.103 of 2022. But, the respondent is not in a position to identify the accused person correctly. The matter is for investigation.

4.The learned counsel for the petitioners submitted that in this case, petitioners No.4 & 7 were arrested and released on bail. All the remaining petitioners are innocents. Co-accused were released on bail. Hence, prays to release them on anticipatory bail and seek for a direction not to harass the petitioners in respect of Crime No.103 of 2022.

5.Reading of FIR shows that there was a trouble between two community people at the time of temple festival. Due to indecent behaviour of one group of people, both the groups have indulged in assaulting each other and sustained injuries. Though, one of the petitioners is suspected to be involved in Crime No.103 of 2022, the respondent Police is not in a position to identify the accused person correctly, as stated earlier. The direction for not to harass the petitioners in Crime No.103 of 2022, as sought for by the learned counsel for the petitioners cannot be passed by this Court, since the matter is for investigation.

6.In this case, petitioners No.4 & 7 were already arrested and released on bail. Hence, this petition is dismissed as infructuous as against the petitioners No.4 & 7.

7.Considering the facts that the co-accused were already released on bail and that the petitioners No.1, 2, 3, 5, 6 are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners No.1, 2, 3, 5, 6 with stringent conditions.

8.Accordingly, this Criminal Original Petition is partly allowed and the petitioners No.1, 2, 3, 5, 6 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioners No.1, 2, 3, 5, 6 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 learned Magistrate concerned and the petitioners No.1, 2, 3, 5, 6 shall stay at Andipatti and shall appear before the learned Judicial Magistrate, Andipatti daily at 10.30 a.m. until further orders and the petitioners No.1, 2, 3, 5, 6 should not visit the occurrence village, ie., Gullapuram, without the permission of this Court. The petitioners No.1, 2, 3, 5, 6 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



9.The petitioners No.1, 2, 3, 5, 6 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/06/2022

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/06/2022

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

TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.

2 THE JUDICIAL MAGISTRATE, ANDIPATTI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

4 THE SUB INSPECTOR OF POLICE, JAYAMANGALAM POLICE STATION,
THENI-625 562.

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

+2 CC to M/s.V.SRITHAR, Advocate (SR-6088[I] dated 24/06/2022)

ORDER
IN
CRL OP(MD) No.10194 of 2022
Date :24/06/2022

RS/PN/SAR.4 (30.06.2022) 3P-8C