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CRL OP(MD) N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) No.12458 of 2022

1 MARIMUTHU
2 SATHASIVAM
3 PARAMESHWARAN
4 MURUGANANTHAM
5 SARAVANAN
6 MAHESWARI
7 CHANDRA
8 NATCHAYI
9 SHANMUGAPRIYA
10 THIRUPPATHY

... PETITIONERS/ ACCUSED Nos.1 to 10

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
CHINTHAMANIPATTY POLICE STATION,
KARUR DISTRICT.
CRIME NO.119/2022

... RESPONDENT / COMPLAINANT

2 SRINIVASAN ...2nd RESPONDENT/DEFACTO COMPLAINANT
(R2 SUOMOTU IMPEADED AS PER ORDER OF
THIS HON'BLE COURT DATED 11/07/2022 IN
CRL OP(MD)No. 12458/2022)

For Petitioner : MR.AN.RAMANATHAN, Advocate

For Respondent : MR.M.VEERANDHIRAN,
Government Advocate

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

PRAYER:-FOR ANTICIPATORY BAIL IN CRIME NO.119/2022 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 offences punishable under Sections 147,
148, 294(b), 324 and 506(ii) of IPC, in Crime No.119 of 2022, seek

an anticipatory bail.



2.The case of the prosecution is that due to property dispute, there was a quarrel arose between the petitioners and the defacto complainant and his men, the petitioners abused the defacto complainant in filthy languages and also attacked him with iron-rod. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners 3 and 4 were sustained injuries in the aforesaid occurrence and a case has been registered against the defacto complainant and his men in Crime No.120 of 2022. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital. He would further submit that the investigation has been completed and charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and on considering the fact that the injured has already been discharged from the hospital and it a case and 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 No.1, Kulithalai, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation

(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/-

19/09/2022

/ TRUE COPY /

/10/2022

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,
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHINTHAMANIPATY POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. RAMANATHAN.AN Advocate SR.No.10230.

ORDER

IN

CRL OP(MD) No.12458 of 2022

Date : 19/09/2022

CP

MK/GB/SAR. /03.10.2022/3P/6C