



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.07.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.13289 of 2022

1. Rajasubramanain

2. Durai @ Chinnadurai

(*)3. Gopalakrishnan @ Pannerselvam

4. Pattu @ Arumuga Nainar

... Petitioners/
Accused Nos.1 to 4

Vs

State through
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.256 of 2022)

...Respondent/Complainant

For Petitioners: Mr.KA.RAAMAKRISHNAN,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl. Side).

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

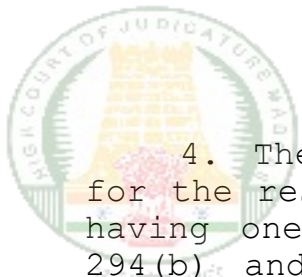
PRAYER :- For Anticipatory Bail in Crime No.256 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 353, 332 and 506(2) IPC, in Crime No.256 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 06.07.2022 at about 12.30 a.m., the accused came into courtallam 5 falls parking area for removing the barricade, which was prevented by the defacto complainant, who is working as a police at Aiykudi Police Station, due to that, the accused abused him, attacked him and deterred him in discharging his duties. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner is having one previous case for the offences under Sections 506(2), 294(b) and 324 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the other petitioners are not having any previous cases.

5. Considering the above facts and circumstances and also the nature of the dispute and also the facts that the injured has taken treatment as out-patient for simple injury and that except the offences under Sections 332 and 506(2) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Shenkottai, Tenkasi District.

7. On production of such receipt/acknowledgment, 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, Shenkottai, Tenkasi 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the Inspector of Police, SIPCOT Police Station, Thoothukudi, daily at 10.30 a.m., for a period of one month 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/07/2022

(*) Amendment as per order of this Court dated 18/08/2022 in CRL MP(MD)No.9595/2022 in CRL OP (MD)No.13289/2022.

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/09/2022

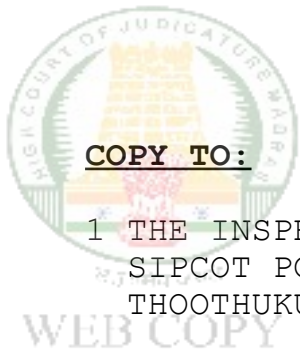
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

TO BE SUBSTITUTED WITH THE ORDER DATED 22/07/2022 ALREADY DESPATCHED.

- 1 THE JUDICIAL MAGISTRATE
SHENKOTTAI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



COPY TO:

- 1 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI.
- 2 THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER IN

CRL OP(MD) No.13289 of 2022
Date :22/07/2022

SA/PN/SAR.2/26.07.2022/4P/8C
USK/PN/SAR-I/01.09.2022/4P/7C