



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

Reserved on : 13/09/2022

Pronounced on : 19/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.13669 of 2022

1.Balamurugan
2.Maruthupandi
3.Dhanuskodi

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar.

(Crime No.124/22)..

... Respondent/Complainant

For Petitioners: M/s.M.Jothibas
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.124/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 to 3 who apprehends arrest at the
hands of the respondent police for the offences punishable under
Sections 147, 148, 294(b), 323, 324, 379, 506(ii) of IPC in Cr.No.124
of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners entered
into the hostel, where the migrant labours are staying and attacked
them with sticks, bricks and beer bottles and injured three persons.
Hence the Manager of Sri Jeya Subha Spinning Private Limited,
Virudhunagar, gave a complaint.



3.The learned counsel for the petitioner submitted that the petitioners have not committed any offence as alleged by the prosecution. The petitioners have been falsely implicated in this case and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are six accused in this case. The petitioners herein are A1,A2 and A3. Injured has been discharged from the hospital. The first petitioner has one previous case, and the third petitioner has three previous cases. A4,A5 and A6 were released on bail and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of the offence and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the first and second petitioner with certain conditions. This Criminal Original petition is dismissed as far as the petitioner third petitioner.

6.Accordingly, the first and second 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.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 1 and 2 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 petitioner 1 and 2 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 2 shall be present before the Court on hearing dates and before the respondent police as and when required;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 released on



the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** **AIR SCW 5560**; and;

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

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sd/-
19/09/2022

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/09/2022

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

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TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3.THE SUB-INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR.

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

+1. CC to M/S.G.M.LAW OFFICER, Advocate SR.No.10200

ORDER
IN
CRL OP(MD) No.13669 of 2022
Date :19/09/2022

RK/SBN/SAR-2 (21/09/2022) 3P/6C