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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

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

CRL OP (MD) . No.13986 of 2022

1. Thirunavukkarasu
2. Karthikeyan
3. Anbarasan
4. Nowrosekhan
5. Selvam @ Selvarasu
6. Boomi @ Boominathan

... Petitioners/Accused
No.1 to 6

Vs

State rep.by
The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District
(Crime No.56 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.R, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.56 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) IPC, in Crime No.56 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 27.07.2022, the defacto complainant's son Sundhar attacked the first petitioner, due to that, on 28.07.2022, the petitioners trespassed into the defacto



complainant's house and assaulted the said Sundhar by using deadly weapons and caused injuries. Hence, the complaint.

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

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. He would further submit that the petitioners 1 to 4 and 6 are having no previous case and the fifth petitioner is having five previous cases.

5.Since the fifth petitioner is having five previous cases, this petition is dismissed as against the fifth petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 to 4 and 6 with certain conditions.

7.Accordingly, the petitioners 1 to 4 and 6 shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Annai Sathya Ammaiyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

8.On production of such receipt, the petitioners 1 to 4 and 6 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, Karaikudi, on condition that the petitioners 1 to 4 and 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 on further conditions that:

a)the petitioners 1 to 4 and 6 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 1 to 4 and 6 shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners 1 to 4 and 6 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 to 4 and 6 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 1 to 4 and 6 in accordance with law as if the conditions have been imposed and the petitioners 1 to 4 and 6 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/-

20/09/2022

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/09/2022

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

SJI

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

COPY TO:

THE OFFICER INCHARGE, ANNAI SATHYA AMMAIYAR
MEMORIAL GOVERNMENT HOME FOR DESTITUTE
CHILDREN, DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020.

ORDER

IN

CRL OP(MD) No.13986 of 2022

Date : 20/09/2022