



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.14770 of 2022

1.M.Kannan

2.K.Manoj @ Manoj kumar

3.K.Anandh

... Petitioner/Accused Nos.1,2 &amp; 5

Vs

The State represented by  
The Inspector of Police,  
Tirunelveli Taluk Police Station,  
Tirunelveli.  
(Crime No.184/22) ..

... Respondent/Complainant

Sivasubramanian

...Petitioner/Defacto Complainant  
in CRL MP(MD)No.9851 of 2022

For Petitioners: Mr.C.Saravanakumar,Advocate.

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

For Intervenor : MR.T.SAKTHIKUMARAN,Advocate  
in CRL MP(MD)No.9851 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.184/2022 on the file of the  
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1,2 &5 who apprehends arrest at the  
hands of the respondent police for the offences punishable under  
Sections 147, 148, 294(b), 323, 324, 307, 427 and 506(ii) of IPC  
altered into Section 109, 147, 148, 294(b), 307, 323, 324, 427 and  
506(ii) of IPC in Cr.No.184 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant  
is running a tea stall. There was a dispute between the petitioners  
and the defacto complainant regarding the removal of a flex board.  
On the date of occurrence, the petitioners scolded the defacto  
complainant, his brother and a employee of the shop, in filthy



language and attacked the defacto complainant with iron and wooden stick and caused him injury. Hence the 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 first petitioner to be released on anticipatory bail. The petition for A2 and A3 was not pressed.

4.The learned Government Advocate(Crl.side) submitted that there are five accused in this case. The petitioners herein are A1,A2 and A5. Injured has been discharged from the hospital. The first accused has no previous case, A2 and A5 are having one previous case each and pray the petition to be dismissed.

5.On the side of the intervener it is submitted that the accused persons have placed a flex in front of the complainant's shop and the same was removed by the intervener with the help of the police. Due to the motive, the accused persons came to the complainant's shop and attacked him, his brother and an employee. The defacto complainant's brother sustained injury in this incident and pray the petition to be dismissed.

6.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 petitioner with certain conditions. This Criminal Original petition for the petitioners 2 and 3 concerned, is dismissed.

7.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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 first petitioner 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 first petitioner 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 first petitioner shall not tamper with evidence or  
<https://www.mca.gov.in/> further during investigation or trial;



(d) the first petitioner 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
19/09/2022

/ TRUE COPY /

/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III  
TIRUNELVELI.
- 2 DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
TIRUNELVELI TALUK POLICE STATION,  
TIRUNELVELI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-10236[I] dated 20/09/2022

ORDER  
IN  
CRL OP(MD) No.14770 of 2022  
Date :19/09/2022

pnn  
PKP/GB/SAR-2/23.09.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>