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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

PRESENT

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

CRL OP(MD). No.14818 of 2022

1. Rameshkumar
2. Yusuf

... Petitioners/Accused Nos.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam Taluk,
Thoothukudi District.
(Crime No.249 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Manikandan.S,
Advocate.

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

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

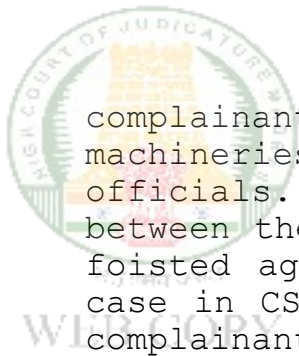
PRAYER :-For Anticipatory Bail in Crime No.249 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.249 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 08.08.2022, when the defacto complainant was removing the karuvel trees in the Vilathikulam Kanmoi by using a JCB, the petitioners came to the spot, abused the defacto complainant in filthy languages, attacked him, threatened him with dire consequences and also demanded a sum of Rs.1,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are agriculturist. On 08.08.2022, the defacto



complainant doing some illegal mining activities by using such machineries without obtaining any permission from the Government officials. When the petitioners enquired the same, a quarrel arose between them. Due to the aforesaid incident, a false case has been foisted against the petitioners. He would further submit that a case in CSR No.391 of 2022 has been registered against the defacto complainant. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was treated as outpatient and the first petitioner is having three previous cases and the second petitioner is not having any previous case. He would further submit that the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case and considering the nature of offence and also the fact that the injured was treated as outpatient, 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 their 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 cum Principal District Munsif, Vilathikulam, 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:

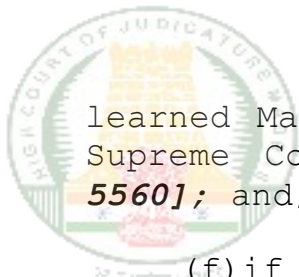
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am, until further orders;

(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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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/-

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

TO

1 THE JUDICIAL MAGISTRATE CUM
PRINCIPAL DISTRICT MUNSIF,
VILATHIKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
VILATHIKULAM TALUK,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-11217[I] dated 12/10/2022)

ORDER

IN

CRL OP(MD) No.14818 of 2022

Date :11/10/2022

cp

MK/SBN/SAR.I/16.10.2022/3P/6C