



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15578 of 2022

1. Sakthivel

2. Anantharaj

3. Siva Subash

4. Lingaraj

... Petitioners/Accused Nos. 2 to 5

Vs

State Rep.by

The Inspector of Police,

Thisayanvilai Police Station,

Tirunelveli District.

Crime No.213 of 2022..

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, 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.213 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused A2 to A5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 342, 294(b), 323, 324, 506(ii) I.P.C, in Crime No.213 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.08.2022 at about 09.15PM, the first accused caused damage to the water cane, which was kept for Free food distribution in the temple, when the same was

<https://www.mca.gov.in/>



him with filthy language and also assaulted him. He complaint.

3. On the side of the petitioners, the petitioners are innocent and they have not committed any such offence as alleged by the prosecution. Co-accused was already enlarged on bail. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that the A2, A3, A5/Petitioners No.1, 2, 4 are having one previous case at their credit and the third petitioner/A4 is not having any previous case and prayed to dismiss the petition.

5. Considering the previous antecedents of the Petitioners No.1, 2, 4/A2, A3, A5, this Court is not inclined to enlarge them on bail. Accordingly, this Criminal Original Petition is dismissed, in respect of Petitioners No.1, 2, 4/A2, A3, A5.

6. Considering the nature of the offence and that the co-accused was already enlarged on bail, considering the fact that the third petitioner/A4 is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the third petitioner/A4 alone.

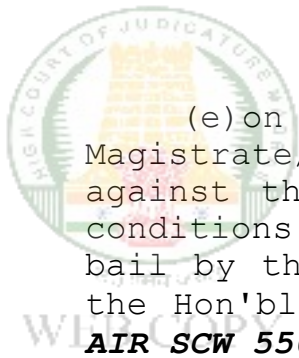
7. Accordingly, this Criminal Original Petition is partly allowed and the third petitioner/A4 is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, on condition that the third petitioner/A4 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 third petitioner/A4 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 third petitioner/A4 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 third petitioner/A4 shall not tamper with evidence or witness either during investigation or trial;

(d) the third petitioner/A4 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 third petitioner/A4 in accordance with law as if the conditions have been imposed and the third petitioner/A4 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/-
14/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-10016[I] dated 15/09/2022)

ORDER
IN
CRL OP(MD) No.15578 of 2022
Date :14/09/2022

pnm
PKP/SVR/SAR-2/20.09.2022/3P/6C