



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP (MD) . No.15646 of 2022

1. Muthunagamani @ Nagamani
2. Bose
3. Pasumponraja
4. Mookiah
5. Pazhani
6. Katturaja
7. Velmurugan
8. Mottaiyan
9. Packiyam
10. Muthumuniyandi @ Muniyandi

... Petitioners/Accused
No.1,3 to 11

Vs

State rep.by
The Sub Inspector of Police,
Thiruchulli Police Station,
Virudhunagar District.
(Crime No.225 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Muneeswaran B, Advocate.

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

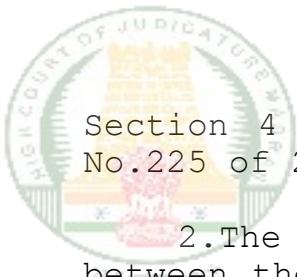
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.225 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 to A11, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 427, 448, 506(2) and 379 IPC and



Section 4 of TN Prohibition of Harassment of Women Act, 2013, Crime No.225 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute between the parties, on 28.10.2021 at about 09.30 a.m., there was a wordy quarrel between them, in which, the petitioners and the de-facto complainant attacked each other and also 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. He would further submit that the counter case in Crime No.224 of 2021 is pending against the de-fact complainant and his family members and A2 was already arrested and released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. He would further submit that the investigation is not yet completed and hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the counter case in Crime No.224 of 2021 is pending against the de-fact complainant and his family members and A2 was already released on bail and the petitioners are not having any bad antecedents, 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, Thiruchuli, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
27/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHULI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MUNEESWARAN B Advocate SR.No.12014

ORDER
IN
CRL OP(MD) No.15646 of 2022
Date : 27/10/2022