



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.16019 of 2022

WEB COPY

1.Karthick
2.Kathiresan

... Petitioners/Accused No.1, 2

Vs

State Rep.by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
in Cr.No.144 of 2022.

... Respondent/Complainant

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

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

PRAYER :-

For Anticipatory Bail in Crime No.144 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 506(ii) of IPC in Cr.No.144 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 25.08.2022 at about 10 pm., the petitioner and others scolded the defacto complainant in filthy language and the petitioners assaulted the defacto complainant with hands and threatened him with dire consequences. A case in Crime No.144 of 2022 under Sections 147, 148, 294(b), 323 and 506(ii) of IPC was registered against the petitioners and others.

3.On the side of the petitioners it is stated that the petitioners are doing building contract work. The defacto complainant and his men attacked the labourers of the petitioners. A case under the SC/ST Act was registered against the defacto complainant and others. Only as a counter blast, this false case was filed against the petitioners and pray the petitioners to be released on anticipatory bail.



4. On the side of the prosecution it is stated that a case, case in counter. The injured was discharged from the hospital.

5. In view of the submissions made by both sides and considering the nature of the offences and considering the fact that this is only a counter case, this Court is inclined to release the petitioners on anticipatory bail on the following conditions:

6. Accordingly, the petitioners 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, Rameshwaram, Ramanathapuram District, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/09/2022

/ TRUE COPY /

/09/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, RAMESHWARAM, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE, PAMBAN - POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-9709[I] dated
06/09/2022)

ORDER

IN

CRL OP(MD) No.16019 of 2022

Date :06/09/2022

PNN

RS/VR/SAR.4 (13.09.2022) 3P-6C