



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16459 of 2022

1.Kandasamy
2.Subbulakshmi
3.Krishnamoorthi
4.Jeyavel
5.Rajaram

... Petitioners / Accused Nos.1 to 5

Vs

The State represented by
The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(Crime No.103/22)

... Respondent/Complainant

For Petitioners: M/s.J.Balasubbiramaniam
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.103/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 to 5 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Cr.No.103 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are having pathway dispute with one Selvameena who is the daughter of the defacto complainant's paternal uncle. When the petitioners had a wordy quarrel with the Selvameena and her family, the defacto complainant, who is an practicing advocate, supported the said Selvameena, the petitioners have attacked the defacto complainant and criminally intimidated the defacto complainant. Hence the



3.The learned counsel for the petitioner submitted that the petitioners/A1 to A5 have not committed any offence as alleged by the prosecution. They have conducted a mediation talk with regard to the pathway dispute and unfortunately a quarrel has arisen. The petitioners have been falsely implicated in this case and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that this is the second anticipatory bail petition and the earlier petition was dismissed as withdrawn. The petitioners have attacked the defacto complainant with cutting plier and the defacto complainant sustained injury in this incident. The petitioners have no previous case. The injured has been discharged from the hospital and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of 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 petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of 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 No.I, Virudhunagar, Virudhunagar District, 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:

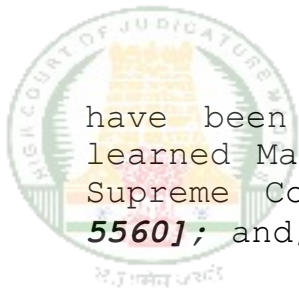
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioners shall not tamper with 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. 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/-

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
MALLANGINAR POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.BALASUBBIRAMANIAM J Advocate SR.No.9901.

ORDER

IN

CRL OP(MD) No.16459 of 2022

Date :13/09/2022

pnn

MK/SBN/SAR.II/15.09.2022/3P/6C