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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.09.2022

PRESENT

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

CRL OP(MD). No.17182 of 2022

1.Arumugam
2.Ganesh @ Kanesh Arumugam
3.Ramesh

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime NO.526 of 2022

... Respondent/Complainant

For Petitioner : M/s.M.Maria Vinola
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.526 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 307 and 506(ii) IPC, in Crime No.526 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there existed money dispute between the parties, the petitioners scolded the de-facto complainant in filthy language and attacked the de-facto complainant with wooden stick 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 case in Crime No.525 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. He would further submit that A1 and A2 are having no previous case and A3 is having three previous cases and the investigation in this case is pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the fact that it is a case in counter case, 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 Court No.II, Kovilpatti, 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/-

26/09/2022

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/10/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MARIA VINOLA M Advocate SR.No.10566.

ORDER

IN

CRL OP(MD) No.17182 of 2022

Date :26/09/2022

SJI

MK/GB/SAR.I/06.10.2022/3P/6C