



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17665 of 2022

1. Asirvatham,
2. Anandharaj,
3. Krishnasamy @ Yovan,
4. Marichamy,
5. Silambarasan @ Joshep,
6. Raja, ... Petitioners/Accused Nos.1 to 6

- Vs-

State Rep.by
The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
(Crime No.41/2022).

... Respondent/Complainant

For Petitioners: Mr.S.Ramsundarvijayraj, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.41/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 506(2) of IPC, in Crime No.41 of 2022, seeks anticipatory bail.



2.The case of the prosecution is that due to previous , on 14.09.2022, when the defacto complaint had gone to have his breakfast at Papa Hotel, Keelkudi, the accused persons abused him in filthy languages, attacked him and also threatened him with dire consequences. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit due to aforesaid occurrence, a counter case has been registered against the defacto complainant and his family members in Crime No.42 of 2022.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the injured has been discharged from the hospital and no previous case is pending against the petitioners. He would further submit that it a case and case in counter.

5.Considering the facts and circumstances of the case and also considering the facts that the injured has been discharged from the hospital and it is a case and case in counter, 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 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, Aruppukottai, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:-

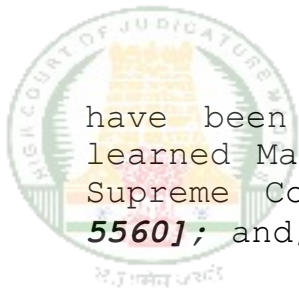
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police 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 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. 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/10/2022

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/10/2022

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

cp

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-10971[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17665 of 2022

Date : 06/10/2022

PKP/GB/SAR /10.10.2022/3P/6C