



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.17678 of 2022

1. Naveen @ Naveethakannan

2. Archunan

... Petitioners/Accused Nos.1 & 3

Vs

The State rep.by,  
The Inspector of Police,  
Andipatti Police Station,  
Theni District.  
(Crime No.284/2022).

... Respondent/Complainant

|                 |   |                                                    |
|-----------------|---|----------------------------------------------------|
| For Petitioners | : | M/s.Kannan.R,<br>Advocate.                         |
| For Respondent  | : | Mr.S.Manikandan,<br>Government Advocate (Crl.Side) |
| For Intervenor  | : | Mr.C.Susikumar, Advocate.                          |

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

PRAYER :-For Anticipatory Bail in Cr.No.284/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 379 (N.P) and 506(2) of IPC, in Crime No.284 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his friends went to a vacant site belongs to one Dinesh situated in Seetharam Doss Nagar by using torchlight in the cellphone. At that time, A1 and A2 came there by two wheeler and made a wordy quarrel with them and they abused the defacto complainant and his friends in filthy language. Subsequently, A1 made a phone call to other accused and A3 to A6 came to the occurrence place and assaulted the defacto complainant with hands and wooden stick and A1 snatched the gold chain and also threatened their with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the defacto complainant and his friends only abused the accused and assaulted them by using wooden stick. The defacto complainant's mother is working as a Sub Inspector of Police at AWPS, Andipatti. By using influence, a false case has been registered against the petitioner. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that injured has been discharged from the hospital and the stolen property has not been recovered so far. He would further submit that the first petitioner is having four previous cases and the second petitioner is having two previous cases.

5. The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is allowed and 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, Andipatti, Theni District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two common 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] while executing the sureties, the first petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.284 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

[c] the petitioners shall report before the Inspector of Police, Town Police Station, Madurai, on every Monday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.



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

[e] the petitioners shall not abscond either during investigation or trial.

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[f] 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 petitioner 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]**.

(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/10/2022

/ TRUE COPY /

/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,  
ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THENI DISTRICT.

3 THE INSPECTOR OF POLICE  
ANDIPATTI POLICE STATION, THENI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,  
TOWN POLICE STATION, MADURAI.

ORDER IN

CRL OP(MD) No.17678 of 2022

Date : 06/10/2022

cp

MK/GB/SAR. /10.10.2022/3P/6C

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