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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

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

CRL OP(MD). No.17721 of 2022

1. Pandi
 2. Tharmar @ Dharmar
 3. Guruvuthai @ Guruvuthaai
 4. Satheesh @ Periyakaruppu
 5. Muthulakshmi
- ... Petitioners/Accused 1 to 5

Vs

The State rep.by,
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(In Crime No.169/2022)

... Respondent/Complainant

For Petitioners: M/s.Praveenkumar. P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.169 of 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 and 506(ii) of IPC, in Crime No.169 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 30.08.2022, all the petitioners are waylaid the defacto

<https://www.mca.gov.in/dist>

and his family members by carrying Aruval and abused



them in filthy language and also attacked them, due to which they have sustained simple injuries. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that a counter case is pending against the defacto complainant and his family members in Crime No.168 of 2022.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the injured has been discharged from the hospital. He would further submit that it is a case and case in counter and the first accused is having two previous cases of similar in nature.

5. Considering the facts and circumstances of the case and also the facts that the injured person 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.

6. 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 II, Usilampatti 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:

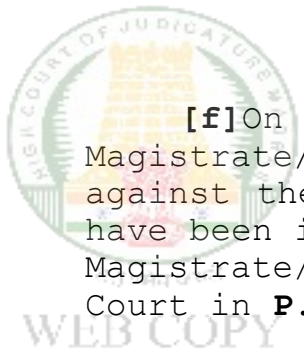
[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 1 and 2 shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners 3 to 5 shall report before the respondent police 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.



[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.

btr/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 II,
USILAMPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.PRAVEEN KUMAR, Advocate (SR-11153[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.17721 of 2022
Date :06/10/2022

RK/TR/SAR- (11/10/2022) 3P/6C