



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/10/2022
PRESENT

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

CRL OP(MD). No.18307 of 2022

1. Rajvalavan

2. Rajkumar

... Petitioners/Accused 6 & 7

Vs

The State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No. 332 of 2022.

... Respondent/Complainant

For Petitioners: M/s.Appadurai K,
Advocate.

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

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

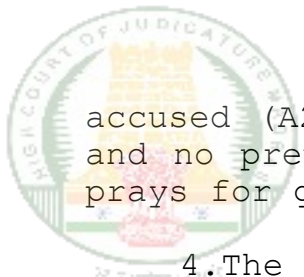
PRAYER :- For Anticipatory Bail in Crime No. 332 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A6 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 323, 324 & 596(2) IPC, in Crime No.332 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to sharing the salary, there was a wordy quarrel between the defacto complainant and the accused. Over which, the accused persons said to have assaulted the defacto complainant with iron rod and stick and also caused injury to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the second anticipatory bail application. Earlier application filed by the petitioners along with other accused in Crl.OP(MD)NO.17253 of 2022 was dismissed by this Court, on 27.09.2022. The injured was discharged from the hospital. The co-



accused (A2, A5 & A8) were already released on bail by the Court and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that totally 8 accused are involved in this case. The petitioners are arrayed as A6 & A7. There was a dispute with regard to sharing the salary between the defacto complainant and A2. A2 forced the defacto complainant to accept the salary, which was given to him. The injured was discharged from the hospital and no bad antecedents is reported against the petitioners. But, however, considering the nature of offence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, co-accused were already released on bail by this Court and no bad antecedents is reported against the petitioners, 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, Nilakottai, 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 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 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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;



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(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
14/10/2022

/ TRUE COPY /

/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.APPADURAI K Advocate SR.No.11388

**ORDER
IN**

CRL OP(MD) No.18307 of 2022
Date :14/10/2022

DSS
SA/SBN/SAR. /28.10.2022/3P/6C