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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.18315 of 2022

1.Subramani
2.Shanmugam ... Petitioners 1 & 2 / Accused Nos.1 and 3
3.Ilayaraja ... 3rd Petitioner / Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Manikandam Police Station,
Trichy District.
Crime No.94 of 2022.

... Respondent/Complainant

For Petitioner : M/s.M.Rajarajan
Advocate.
For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

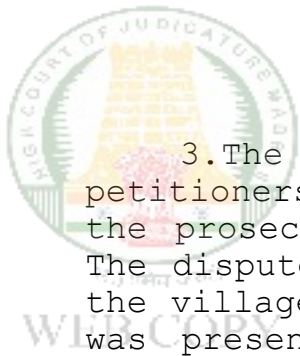
PRAYER :-For Anticipatory Bail in Crime No.94 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC, in Cr.No.94 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that a wordy quarrel arose between the petitioners' father and the defacto complainant's father, during the discussion about construction of a temple. In this incident, the petitioners attacked the defacto complainant's sister and scolded her in filthy language. Therefore, the defacto complainant and his sister went to the police station and gave a complaint and on returning home, the petitioners attacked them and criminally intimidated them. The defacto complainant's father sustained head injury in this incident. Hence the complaint.

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



3.The learned counsel for the petitioners submitted that the petitioners/A1 to A3 have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. The dispute is only with regard to the construction of a temple in the village. The matter was referred to mediation. The petitioner was present but on that date, the complainant was not present. There is no previous case against the petitioners and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that two persons were injured in the occurrence and the defacto complainant's father was unconscious for four days in the hospital and he took treatment as inpatient for 10 days and he was discharged on 19.06.2022 and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, the nature of the offence, considering the fact that the victims were already discharged from the hospital and considering the fact that though the earlier petition was dismissed by this Court on 16.09.2022, till now, the respondent has not taken steps to arrest the petitioners, this Court is inclined to release the petitioners on bail on the following conditions:

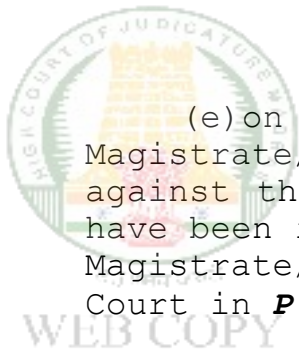
6.Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court IV, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am, for a period of two weeks and thereafter as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;



(e) 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]**; and;

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

sd/-

14/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
MANIKANDAM POLICE STATION, TRICHY DISTRICT

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

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-11411[I] dated 14/10/2022)

ORDER

IN

CRL OP(MD) No.18315 of 2022

Date :14/10/2022

pnn

MK/SSS/SAR.II/18.10.2022/3P/6C