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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.18137 of 2022

1. Sriram
2. Sundarraaj
3. Vikram
4. Vinoth
5. Siva

... Petitioners/Accused No.1 to 5

Vs

State rep.by
The Inspector of Police,
Town Police Station,
Pudukkottai,
Pudukkottai District.
(In Crime No.392/2022).

... Respondent/Complainant

Karikalan

... Petitioner/Intervener
(in Crl.M.P.(MD)No.12191/2022)

For Petitioners : M/s.Saravanakumar S, Advocate.

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

For Intervenor : Mr.T.Palanisamy, Advocate.

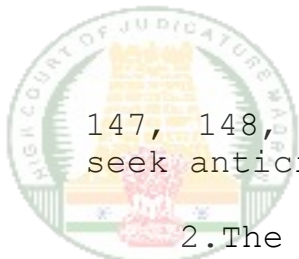
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.392/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections



147, 148, 341, 294(b), 323 and 506(ii), in Crime No.392 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 07.10.2022, at about 05.30 p.m, the defacto complainant went to the Economic Offences Wing, Pudukottai, for interrogation, on the basis of the complaint given by A6. After that, he was returning back to his friend office near Municipal Counsel Office. At that time, at the instigation of the petitioner (A6), A1 to A5 said to have abused the defacto complainant in filthy language and also attacked him with knife. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that no previous case is pending against the petitioners and no one has sustained in the above said occurrence. Hence, he prays for grant of anticipatory bail.

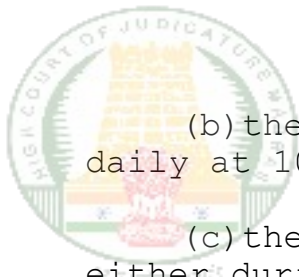
4.The learned counsel for the Intervenor would submit that the petitioners said to have attacked the defacto complainant with an intention to murder him. If they are released on bail, again, they will try to murder him. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that totally 6 accused are involved in this case. The petitioners were arrayed as A1 to A5. No one has sustained injury in the above said occurrence and no bad antecedent is reported against the petitioners. But, however, investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

6.Considering the facts and circumstance of the case and also considering the fact that no one has sustained injury and no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.I, Pudukottai, 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;

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

Sd/-

14/10/2022

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/10/2022

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

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SARAVANAKUMAR S Advocate SR.No.11434

+1. CC to M/S.T.PALANISAMY Advocate SR.No.11452

ORDER

IN

CRL OP(MD) No.18137 of 2022

Date :14/10/2022