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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.18467 of 2022

1. Vasanthakumar,
2. Suriya,
3. Sathishkumar,
4. Elikunju @ Muthuraj,
5. Sathishkumar, ... Petitioners/Accused Nos. 1 to 5

Vs

State Rep.by
The Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
in Crime No.172/2022. ... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.172/2022 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, 294(b), 323, 324 and 506(ii) r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.172 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the injured Kumaravel. The de-facto complainant's



son has refused to give donation for conducting Immanuvel an Death Anniversary, due to which, the accused have attacked the de-facto complainant and his son with hands and stick and thereby, the de-facto complainant has sustained simple injuries. Hence the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are Scheduled Caste Community and they have conducted the Immanuvel Sekaran Death Anniversary in a peaceful manner. He would further submit that A6, A8, A10 and A11 were already granted anticipatory bail by the learned Sessions Judge. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. The petitioners 1, 2, 4 and 5 are having no previous cases and the third petitioner is having two previous cases and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the fact that the co-accused was already granted anticipatory bail, 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 No.II, Virudhunagar, 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 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 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 in accordance with law as if the conditions have been imposed and the petitioners 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/-
18/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-11647[I] dated 19/10/2022

ORDER
IN
CRL OP(MD) No.18467 of 2022
Date :18/10/2022

sjj
PKP/GB/SAR-1/31.10.2022/3P/6C