



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

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PRESENT

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

CRL OP(MD). No.18747 of 2022

1. Dinesh, PC @ C.Dinesh Kumar
(Wrongly Mentioned as Dinesh PC in Cr.
Crime No.64 of 2022 Iinstead of C.Dinesh Kumar)
2. Deelip, Police @ Dhieleepan
(Wrongly Mentioned as Deelip, Police in
Cr.No.64 of 2022 instead of Dhieleepan)
3. Kanmani ... Petitioners/Accused Nos.20, 24 & 25

Vs

The State Rep.by
The Inspector of Police,
Vandalur Police Station,
Madurai District.
Crime No.64/22. ... Respondent/Complainant

For Petitioner : M/s.Vanchinathan S,
Advocate.

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

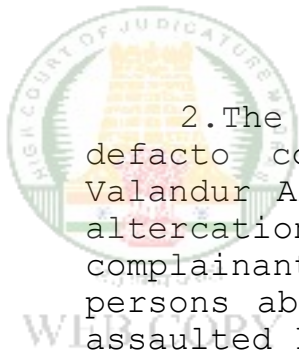
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 64/2022 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 offences punishable under Sections 147,
148, 294(b), 323, 324, 379 (NP), 109 and 506(ii) of IPC, in Crime
No.64 of 2022, in Crime No. 64 of 2022, seek anticipatory bail.



2.The case of the prosecution is that on 26.07.2022 the defacto complainant along with his group members came to the Valandur Angala Eswari Temple for festival. At that time, a wordy altercation occurred between the accused persons and the defacto complainant, due to which, the petitioners along with other accused persons abused the defacto complainant in filthy language and also assaulted him. Moreover, five sovereigns of gold chain of one Kala was found missing. Hence, the present 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 the co-accused were already granted anticipatory bail to the petitioner and a case in counter has been registered against the defacto complainant and others in Crime No.63 of 2022. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital and the co-accused were already granted anticipatory bail by this Court. He would further submit that the third petitioner is having eleven previous case and the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured has already 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 with certain conditions.

6.Accordingly, the third petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Dispensary, Madurai Bench of Madras High Court operated by the Registrar (Admin), (Account No:-6960810645, IFSC Code:- IDIB000H040, Indian Bank), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Usilampatti, Madurai District.

7.On production of such receipt/acknowledgment, 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 No.II, Usilampatti, Madurai District, 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:

<https://www.mhc.tn.gov.in/tile> petitioners and the sureties shall affix their



photographs and left thumb impression in the surety bond. 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 a.m., 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/-

19/10/2022

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/11/2022

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

TO

1. The Judicial Magistrate No.II,
Usilampatti, Madurai District.
2. -do-Through The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Valandur Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

1. The Registrar ((Admin)),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). N



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3. The Officer In-charge,
Dispensary, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-11679[I] dated 19/10/2022
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ORDER

IN

CRL OP(MD) No.18747 of 2022

Date :19/10/2022

RD/VR/SAR-III (03/11/2022) 2P 9C