



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

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PRESENT

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

CRL OP(MD).No.18811 of 2022

- 1.Karuppasamy,
- 2.Vijayakumar,
- 3.Muneeswaran @ Munieswaran,
- 4.Chelladurai,
- 5.Suresh,
6. Arjunan,
- 7.Thangamari,
- 8.Muthaiah,
- 9.Muthukalai,
- 10.Rajasekar,
11. Ramar,
- 12.Boomari,
- 13.Sadheesh @ Sathishkumar,
- 14.Rajkumar,
- 15.Velmani,
- 16.Pandishwaran @ Pandeewaran,

Vs

State Rep.by
The Inspector of Police,
Koomapatty Police Station,
Viudhunagar District.

... Petitioners
/Accused Nos. 1 to 16

<https://www.crimelaw.gov.in/dis> 132 of 2022)

... Respondent/Complainant



For Petitioners: Mr.M.Boominathan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.132 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A16, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b) and 506(ii) of IPC, in Crime No.132 of 2022, seek anticipatory bail.

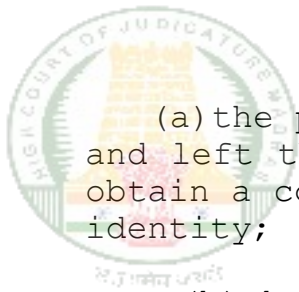
2.The case of the prosecution is that due to previous enmity between the parties, on 11.10.2022, the petitioners went to the de-facto complainant's street and abused him in filthy language in front of his house. Hence, the complaint.

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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case in counter. He would further submit that the petitioners are having no previous case. He would further submit that investigation is still pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners and also the fact that the counter case is pending against the de-facto complainant, 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 arrest or on 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.1, Srivilliputhur, 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 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/-
20/10/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SRIVILIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILIPUTHUR
- 3 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION, VIUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.BOOMINATHAN, Advocate (SR-11831[I] dated 20/10/2022)
ORDER
IN
CRL OP(MD) No.18811 of 2022
Date :20/10/2022

vsd
PKP/GB/SAR-1/02.11.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>