



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.19062 of 2022

WEB COPY

Muniyasamy

... Petitioner/Accused Rank No.3

Vs

1.State Rep.by

The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.200 of 2022).

... Respondent/Complainant

2.Murugan

... Respondent/Defacto Complainant

For Petitioner : M/s.B.Santhanam Rajesh Kumar, Advocate

For R1 : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)

For R2 : Mr.S.Jamuna Bharathi, Advocate

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

PRAYER :-

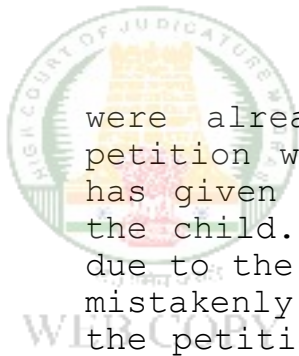
For Anticipatory Bail in Crime No.200 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 148, 294(b), 324, 435, 307 and 506(ii) of IPC, in Crime No.200 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that due to previous motive, on 22.06.2022, the petitioner and others formed themselves into an unlawful assembly and abused the defacto complainant in filthy language and assaulted him with sickle and set fire to the two wheeler and threatened to kill the defacto complainant and others. A case in Crime No.200 of 2022, under Sections 147, 148, 294(b), 324, 435, 307 and 506(ii) of IPC., was registered against the petitioner.

3.On the side of the petitioner, it is stated that the petitioner is falsely implicated in the case. All other co-accused



were already released on bail. The earlier anticipat¹ petition was dismissed on 13.09.2022. The wife of the petitioner has given birth to a child and the petitioner was not able to see the child. The petitioner was not involved in the offences. Only due to the similarity in the name of the father, the petitioner was mistakenly impleaded in the case. Only on the confession of the A1, the petitioner was impleaded in the case as A3. The petitioner is only having three previous cases, in all the cases, the petitioner is complying the conditions regularly and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioner is A3 in the case. The petitioner and others set fire to three numbers of two wheelers. There is some specific overt act against the petitioner. There is no change of circumstances. The victim, who was attacked by the petitioner, took treatment as inpatient for 15 days. The petitioner is a history sheeted person. The petitioner is having 10 previous cases and all of them are grievous in nature and prayed the petition to be dismissed.

5. Considering the nature of the offence and the fact that major portion of the investigation might have been completed by this time and considering the fact that the co-accused were already released on bail and considering the fact that though the earlier petitions are dismissed on 20.07.2022, 06.09.2022, 30.09.2022, the respondent has not taken steps to arrest the petitioner so far, this Court is inclined to release the petitioner on bail on the following conditions:

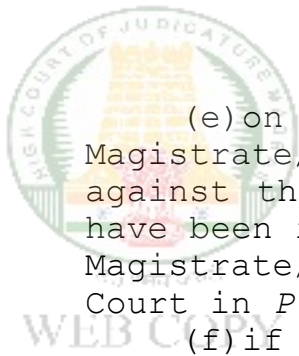
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, on condition that the petitioner shall 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 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 one month 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 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/-

31/10/2022

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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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-12204[I] dated 01/11/2022)

ORDER

IN

CRL OP(MD) No.19062 of 2022

Date : 31/10/2022

PNN

RS/SBN/SAR.1 (04.11.2022) 3P-6C