



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19046 of 2022

T.Aathishwaran

... Petitioner/Accused No.11

Vs

The State represented by
The Inspector of Police,
Thalaisyuthu Police Station,
Tirunelveli District.
Crime No.212 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sivasubramanian A,
Advocate.

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

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

PRAYER :-

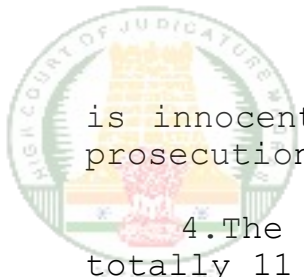
For Anticipatory Bail in Crime No.212 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/All, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 307 and 506(ii) IPC and 25(1A) of ARMS Act, 1959, in Cr.No.212 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between two communities, on 23.09.2022 around 09.00 a.m., the accused persons waylaid the de-facto complainant and tried to assault with deadly weapons. When the de-facto complainant has escaped from the attack, the accused persons have threatened him and the general public. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application and the earlier application was dismissed by this Court dated 30.09.2022 in Crl.O.P. No.19042 of 2022. He would further submit that the petitioner



is innocent and he has not committed any offence as alleged in the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally 11 accused in this case and the petitioner is arrayed as A11 and A1 to A10 was already arrested and remanded to judicial custody, out of which, A1 to A5 was detained under Act 14 of 1982. He would further submit that there was a group clash between two groups of communities, the above said offence has taken place and the injured was discharged from the hospital. The petitioner is having one previous case 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 discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 Inspector of Police, Sattur Town Police Station, Virudhunagar District daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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 FIF registered under Section 229-A IPC.

sd/-
27/10/2022

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WEB COPY

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SIVASUBRAMANIAN A Advocate SR.No.12152

ORDER
IN
CRL OP(MD) No.19046 of 2022
Date :27/10/2022

SS/VR/SAR I/07/11/2022/ 3P 7C