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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18938 of 2022

1. Vignesh

2. Mukesh

... Petitioners/Accused 1 & 2

Vs

The State represented by
The Inspector of Police,
Thiru Uthirakosamangai Police Station,
Ramanathapuram District.
(Crime No.88/2022).

... Respondent/Complainant

For Petitioners : M/s.Balamurugan M,
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.88/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.88 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 11.10.2022 at about 8.00 a.m., the petitioners came to the defacto complainant's house and called the defacto complainant's wife and questioned about drawing the community flag in the public temple wall, at that time, a wordy quarrel arose between them, the petitioners fell down the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the de facto complainant and the second petitioner are close relative and the first petitioner is working in CRPF and there is no alleged occurrence had happened on the date. Due to previous motive between them, a false case has been foisted as against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case and case in counter and no previous case is pending against the petitioners. The injured was treated as out-patient. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that it is a case and case in counter, the injured was treated as out-patient and the petitioners are not having any bad antecedents, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Ramanathapuram, 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:

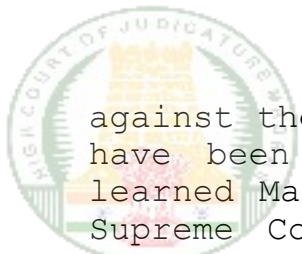
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the first petitioner shall report before the respondent police as and when required for interrogation;

(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/-

26/10/2022

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/11/2022

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
THIRU UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAMURUGAN M Advocate SR.No.11950

ORDER

IN

CRL OP(MD) No.18938 of 2022

Date :26/10/2022

SS/SBN/SAR III/03/11/2022/ 3P 5C