



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

Date : 01/11/2022

PRESENT

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

CRL OP(MD) . No.19279 of 2022

1. Anantharaj
2. Anthony Rani
3. Ramasubbu
4. Ramalakshmi

... Petitioners/Accused 1,3,4&5

Vs

The State Rep. By,
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crl.No.112 of 2022.

... Respondent/Complainant

For Petitioners: M/s.Premkumar S,
Advocate.

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

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

PRAYER :-

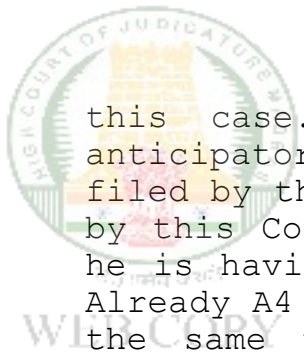
For Anticipatory Bail in Crime No.112/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3, A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 342, 294(b), 323, 324, 355, 427, 307 and 506(2) of IPC, in crime No.112 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the brother-in-law (Sister's husband) of the fourth petitioner/A5. Due to money dispute between the parties, A5 attacked the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in



this case. He would further submit that this is the 1st anticipatory bail application. Earlier anticipatory bail application filed by the petitioners in Crl.OP(MD)No.18375 of 2022 was dismissed by this Court. The de-facto complainant is a habitual offender and he is having 27 previous cases. It is a case and case in counter. Already A4 has given a complaint against the defacto complainant and the same was registered in Crime No.111 of 2022. Further, the injured was discharged from the hospital. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that it is a case and case in counter case. The injured was discharged from the hospital. 3 witnesses have been examined. But, however, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned learned Judicial Magistrate, Cheranmahadevi, 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/-
01/11/2022

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/ TRUE COPY /

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.PREMKUMAR, Advocate (SR-12340[I] dated 03/11/2022)

ORDER
IN
CRL OP(MD) No.19279 of 2022
Date :01/11/2022

dss
USK/SSS/SAR-III/08.11.2022/3P/6C