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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19123 of 2022

1.Vaikundaraj @ Vaikundaraja
2.Jeyaseelan
3.Johnhariramaseit @ Ariramsait
4.John @ Johnchristopher ... Petitioners/Accused No.1 to 4

Vs

State rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.399 of 2022) ... Respondent/Complainant

For Petitioners : M/s.Susi Kumar C, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.399 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342, 323, 324 and 506(ii) of IPC, in Crime No.399 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is serving as a Ward Councilor at Panagudi, Tirunelveli District. Further the land belongs to Government is situated at Nariparai, Cheranmahadevi Main Road, Tirunelveli. On 18.10.2022, the Municipality officials have fencing the said land, due to which, a



quarrel arose between the defacto complainant and the petitioner and the petitioners are said to have abused the defacto complainant in filthy language and also assaulted with iron rod. In the aforesaid occurrence, the defacto complainant's brother is also said to have sustained injuries. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the municipality officials tried to fence the petitioners property. When the same was questioned, the defacto complainant along with his supporters have assaulted the petitioners, due to which, the petitioners sustained injuries. He would further submit that a counter case in Crime No.400 of 2022 has been registered against the defacto complainant and others. The petitioners are innocent persons 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 the it is a case and case in counter and the injured has already been discharged from the hospital. He would further submit that the first petitioner is having six previous cases and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital and it is a case and case in counter, 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 Judicial Magistrate, Valliyur, 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 petitioners shall report before the respondent police daily at 10.30 a.m., 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/-
28/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

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

ORDER
IN
CRL OP(MD) No.19123 of 2022
Date :28/10/2022