



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19359 of 2022

1. Bharath
2. Sivakumar
3. Sibiraj
4. Prakash @ Shanmuga Prakash ... Petitioners/Accused 1 to 3, & 6

Vs

The State rep.by
The Inspector of Police,
Chathirakudi Police Station,
Ramanathapuram District.
(Cr No.160/2022).

... Respondent/Complainant

For Petitioners: M/s. Vishnu.J.,
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 Cr No.160/2022 on the file of the respondent police.

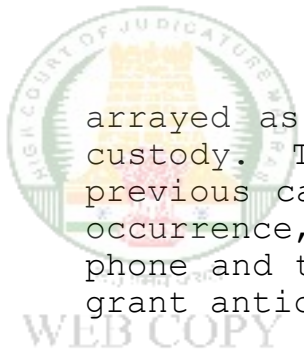
ORDER : The Court made the following order :-

The petitioners/A1 to A3 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(i), 379 NH of IPC r/w 4 of TNPHW Act, in Crime No.160 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners said to have abused the defacto complainant in filthy language and assaulted him with hands & wooden log and caused injury. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that totally 8 accused are involved in this case. The petitioners were



arrayed as A1,A2,A3 & A6. A4, A5 & A7 were arrested and in custody. The injured was discharged from the hospital and no previous case is pending against the petitioners. In the above said occurrence, the accused persons snatched Thali Chain and a mobile phone and the same were not recovered. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and no bad antecedents is reported against the petitioners, 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 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 Judicial Magistrate Court, Paramakudi, 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 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/-

02/11/2022

/ TRUE COPY /

/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S. VISHNU.J. Advocate SR.No.12393

ORDER

IN

CRL OP(MD) No.19359 of 2022

Date :02/11/2022

DSS

SA/SBN/SAR.1/10.11.2022/3P/6C