



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

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.19740 of 2022

1. S.Sridharan
2. S.Alagappan Alias Raghunathan
3. P.S.Kharthikeyun
4. S.Prabhu

... Petitioner/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.638 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Ponniah M, Advocate.
For Respondent : Mr.M.Muthmanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

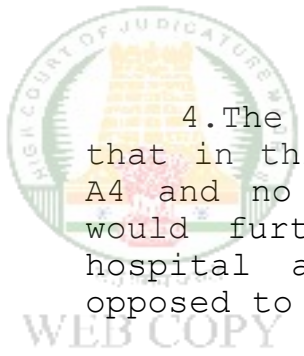
For Anticipatory Bail in Crime No.638 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(ii) IPC r/w Section 4 of TNPWH Act in Crime No.638 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there is civil dispute between the petitioners and the defacto complainant. On 30.10.2022 and 31.10.2022, the defacto complainant came to the disputed land. At that time, the petitioners attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital. Hence, he prays for anticipatory bail to the petitioners.



4.The learned Government Advocate (criminal side) would submit that in this case, totally 6 accused and the petitioners are A1 to A4 and no previous case is pending against the petitioners. He would further submit that the injured was discharged from the hospital 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 and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner 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, Melur, Madurai District 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 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 Special court/concerned court 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 Special Court/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 Special Court/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 FIR can be registered under Section 229-A IPC.

sd/-

08/11/2022

/ TRUE COPY /

/11/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, MELUR POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/S.M.PONNIAH, Advocate SR.No.53529[F] DATED 08.11.2022

ORDER
IN
CRL OP(MD) No.19740 of 2022
Date :08/11/2022

skn
RS/TR/SAR.2(16.11.2022) 3P-6C