



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/11/2022

PRESENT

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

CRL OP(MD) . No.19874 of 2022

WEB COPY

1. D.Elami
2. M.Vidhya
3. V.Surya
4. Udhaya
5. Thirupathy
6. K.Maharaja
7. Durai @ K.Chelladurai
8. S.Deepak @ Deepakraj

... Petitioners/Accused Nos.1 to 8

Vs

1. The State Rep. By,
The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.
(Crime No.159 of 2022).

... Respondent/Complainant

2. Venkadeswari

... Petitioner/Defacto
Complainant

in CRL.MP(MD) No.14046/2022 in
CRL OP(MD) No.19874/2022.

For Petitioner : M/s.Bairavan K,
Advocate.

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

For Intervenor : Mr.A.Rajaram, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.159 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 447, 341, 427, 294(b), 323 and 506(i), Section 3 of TNPPDL Act
and Section 4 of TNPHW Act, in Crime No.159 of 2022, seek
anticipatory bail.

<https://www.thelawguy.in/dis>



2.The case of the prosecution is that due to previous enmity between the parties, the petitioners attacked the de-facto complainant and her husband with sticks and stones and also caused damage to their vehicle. 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners attacked the de-facto complainant and her husband with sticks and stones and also caused damage to their vehicle worth about Rs.50,000/-. The injured was discharged from the hospital. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall pay a sum of **Rs.1,000/- (Rupees One Thousand only) each to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.V, Madurai.

8.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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/-

17/11/2022

/ TRUE COPY /

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.K.BAIRAVAN, Advocate (SR-13234[I] dated 18/11/2022)

+1 CC to M/s.A.RAJARAM, Advocate (SR-13239[I] dated 18/11/2022)

ORDER

IN

CRL OP(MD) No.19874 of 2022

Date :17/11/2022

USK/BUC/SAR-I/28.11.2022/3P/8C