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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

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

CRL OP(MD) . Nos.19984 and 20000 of 2022

1. Sudhan @ Rajan
2. Rajagopal
3. Sakthivel
4. Serama Ganeshan
5. Dhanasekar
6. Maha Prabhu

... Petitioners/Accused
Nos.1,2,3,5,6,8
(in Crl.O.P. (MD) No.19984/2022)

1. Murugan
2. Muthukumar
3. Ganeshan
4. Maharajan

... Petitioners/Accused
Rank Not Known
(in Crl.O.P. (MD) No.20000/2022)

Vs

State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.358/2022).

... Respondent/Complainant
(in both Petitions)

(in both Petitions)

For Petitioners : M/s.Saravanakumar C, Advocate.

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

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

PRAYER :-

<https://www.mhc.tn.gov.in/judis>

For Anticipatory Bail in Crime No.358/2022 on the file of the
Respondent police.



ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) IPC in Crime No. 358 of 2022, seek anticipatory bail.

2.The case of the prosecution that during the time of temple festival, there was a wordy quarrel arose between the petitioners and the defacto complainant and that the petitioners have attacked the defacto complainant with stick and hands and also abused him in filthy language. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and the co-accused have already released on bail. He would further submit that the investigation of the case is pending and 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 that the co-accused have already released on bail, 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, Thenkasi, 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 once in a week i.e., on every Sunday 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/-

11/11/2022

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/11/2022

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

TRP

TO

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

+2. CCs to M/S.SARAVANAKUMAR C Advocate SR.Nos.12928 & 12929

ORDER

IN

CRL OP (MD) . Nos.19984

and 20000 of 2022

Date :11/11/2022