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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP(MD). No.20219 of 2022

1. Rajammal

2. Magesh @ Mahendran

3. Esakimuthu

4. Mahadevan

5. Perumal @ Murugan

... Petitioners/
Accused Nos.1 to 5

Vs

The State rep.by,
The Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli District.
(In Crime No.147/2022)

... Respondent/Complainant

For Petitioners : M/s.Micheal Heldon Kumar S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.147/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.147 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the defacto co-accused it has been doing agriculture in the land of one Rajendran for past 15 years located at Kallam. Since the said Rajendran is out of station, the defacto complainant is continuing agriculture in the said land. While so, on 26.10.2022 the first accused had entered the said land and asked the defacto complainant to move out of land stating that she had purchased the property from the said Rajendran. The accused Nos.2 to 4 has asked to get out of the said land and scolded the defacto complainant in filthy language and also the first accused attacked him with wooden stick and caused injuries to him. 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 due to previous enmity, this case has been falsely foisted against the petitioners and the petitioners shall abide any condition imposed by this Court. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. He would further submit that investigation in this case is pending and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the fact that the injured was already discharged from the hospital and also the fact that the petitioners are not having any bad antecedents, 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, Nanguneri, 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
<https://www.mca.gov.in/> 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/-
15/11/2022

/ TRUE COPY /

/11/2022

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

cp

TO

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

ORDER
IN
CRL OP(MD) No.20219 of 2022
Date : 15/11/2022

RK/BUC/SAR- (24/11/2022) 3P/5C