



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.20823 of 2022

1. Rajiv Gandhi,
2. Sanjay Gandhi,
3. Suresh,
4. Saravanan @ Saravanakumar,
5. Magesh @ Maheshwaran,
6. Kannan,
7. Subramanian,
8. Kumaresan @ Subbukutti,
9. Puthukkulathan,
10. Sailappan,
11. Vadivel,

(*)12. Alex @ Alexsandar

()13. Mari @ Maridurai**

14. S.Muthukumaran, ... Petitioners/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.
(Crime No.219/2022).

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,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.219/2022 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),323,324 and 506(ii) of IPC**, in Crime No.219 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 03.11.2022, the accused persons said to have abused the defacto complainant in filthy language and attacked the defacto complainant with deadly weapons 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 it is a case and case in counter. Counter case has been registered against the defacto complainant in Crime No.220 of 2022 and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that totally 15 accused are involved in this case. The petitioners were arrayed as A1 to A14. A1 is having 3 previous cases, A7 is having 6 previous cases and A8 is having 1 previous case. It is a case and case in counter and the injured was discharged from the hospital. However, the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was already discharged from the hospital, 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, Ambasamuthiram, 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 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/-
24/11/2022

(*) () (***) Amended as per order of the Court dated 16/12/2022 in CrI.MP(MD).15717/2022 in CrI.OP(MD).20823/2022 by ADJCJ.**

Further Time for complying the condition imposed by this Court in the said CrI.OP(MD).is extended for a period of two weeks.

/ TRUE COPY /

/12/2022

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, 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.

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



TO

TO BE SUBSTITUED WITH THE ORDER DATED 24/11/2022 ALREADEY DESPATCHED

1 THE JUDICIAL MAGISTRATE
AMBASAMUTHIRAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20823 of 2022

Date :24/11/2022

PKP/SSS/SAR-3/02.12.2022/4P/6C

TRP

SA/VR/SAR.2/22.12.2022/4P/5C