



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

Date : 28/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . Nos.21029 and 20998 of 2022

Kodeeswaran @ Sivaprakasham

... Petitioners/Accused No.2  
in Crl.O.P.(MD)No.21029 of 2022

1. Ajithkumar @ Velmurugan

2. Murugan @ Murugesan

3. Petchiappan @ Petchimuthu

... Petitioners/Accused Nos.4,6&7  
in Crl.O.P.(MD)No.20998 of 2022

Vs

The State Rep. By,  
The Sub Inspector of Police,  
Sivakasi Town Police Station,  
Virudhunagar District.  
Crime No.367 of 2022.

... Respondent/Complainant  
in both petitions

For Petitioner ( in Crl.O.P.(MD)No.21029 of 2022 )  
: Mr.A.Manikandan, Advocate.

For Petitioner ( in Crl.O.P.(MD)No.20998 of 2022 )  
: Mr.M.Jothi Basu, Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.367 of 2022 on the file of the  
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2, A4, A6 & A7, who apprehend arrest at the  
hands of the respondent police for the offences punishable under  
Sections 147, 294(b) and 506(i) IPC and Section 4 of Tamil Nadu  
Prohibition of Women Harassment Act, 2002 in Crime No.367 of 2022,  
seek anticipatory bail.



2.The case of the prosecution is that on 23.10.2022, the petitioners and other accused were bursting crackers in front of the de-facto complainant's house in a drunken mood and when the same was questioned by the de-facto complainant and her mother, the accused persons abused the de-facto complainant in filthy language and threatened him with dire consequences. 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 A5 was already released on bail by the learned Judicial Magistrate Court No.I, Sivakasi. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that no one has sustained injury in this case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was 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 Court No.I, Sivakasi, 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;



No.477, Jawahar



ad.

(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-  
28/11/2022

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/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,  
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,  
SIVAKASI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MANIKANDAN, Advocate ( SR-13814[I] dated 28/11/2022 )

ORDER  
IN  
CRL OP(MD) . Nos.21029 and  
20998 of 2022  
Date :28/11/2022

sj i  
USK/SSS/SAR-II/08.12.2022/3P/6C