



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21101 of 2022

1. M.Manivannan
2. Isakkipandi
3. Shanmugavel

... Petitioners/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Crime No.148 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Shobana M,
Advocate.

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

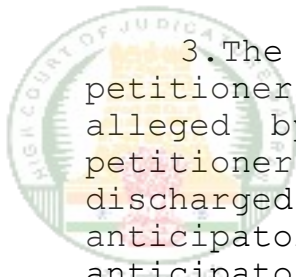
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.148 of 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 294 (b), 285, 286, 324 & 506(i) of IPC, in Crime No.148 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Assistant Platoon Commander of the respondent police station. On 08.11.2022, at about 04.00 p.m, when he was in duty in the temple festival at Koomapatty bus stand, the petitioners herein have made disturbance to the public by bursting crackers. When the same was questioned by the defacto complainant, the petitioners said to have abused him in filthy language and attacked him by using fire works and caused injury 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 the petitioners name was not found in the FIR, the injured was discharged from the hospital and the co-accused(A1) was granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) would submit that totally 32 accused are involved in this case. The petitioners are unnamed accused. The first petitioner is not an accused in this case. The injured was discharged from the hospital and the co-accused was granted anticipatory bail by this Court. However, the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the first petitioner is concerned and he has also made an endorsement to that effect. Accordingly, this petition is dismissed as withdrawn insofar as the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the co-accused was granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

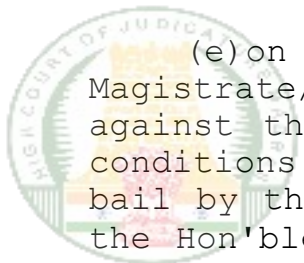
7.Accordingly, the petitioners 2 & 3 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Srivilliputhur, on condition that the petitioners 2 & 3 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 2 & 3 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 2 & 3 shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 & 3 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 2 & 3 in accordance with law as the conditions have been imposed and the petitioners 2 & 3 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/-
29/11/2022

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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-I
SRIVILLIPUTHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.M.SHOBANA, Advocate (SR-14074[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.21101 of 2022
Date : 29/11/2022

DSS
MK/VR/SAR III/08.12.2022/3P/6C