



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21148 of 2022

1. K.Mukeshkannan
2. R.Rajakarungu

... Petitioners/ Accused Nos.1 & 3

Vs

The State Rep.by
The Inspector of Police,
Uthirakosamangai Police Station,
Ramanathapuram District.
(Crime No.98 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Bhagavathsingh G,
Advocate

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

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

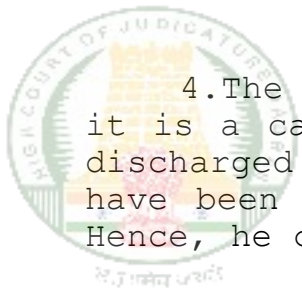
PRAYER :-For Anticipatory Bail in Crime No.98 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) of IPC, in Crime No.98 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there is a village dispute between the petitioners and the defacto complainant. Due to the said dispute, the petitioners scolded the defacto complainant with filthy language, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to previous motive, this false case has been foisted against the petitioners and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Further, a counter case in Crime No.99 of 2022 is pending against the defacto complainant. Hence, they may be granted anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital. Further, in this case, seven witnesses have been examined so far and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the facts that it is a case and case in counter and seven witnesses have already been examined, 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 No.I, Ramanathapuram, 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;

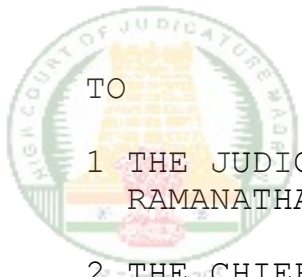
(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2022

/ TRUE COPY /

/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1 CC to M/s.G.BHAGAVATHSINGH, Advocate (SR-14028[I] dated
30/11/2022)

ORDER

IN

CRL OP(MD) No.21148 of 2022

Date :30/11/2022

MK/VR/SAR 2/21.12.2022/3P/6C