



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21395 of 2022

WEB COPY

- 1.Murugan @ Velmurugan
- 2.Moorthy
- 3.Balamurugan
- 4.Jeya @ Jeyakodi
- 5.Manjula
- 6.Devi @ Baranidevi
- 7.Karthi @ Karthikraja

... Petitioners/Accused No.1,4 to 9

-vs-

State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Cr.No.173 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.173 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.R.Senthil Kumar, Advocate
For Respondent	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

O R D E R

The petitioners, 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 and Section 4 of TNPHW Act in Crime No.173 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Pitchai, is that due to enmity on account of rash driving of the vehicle, there was a quarrel. During such time, the petitioners have abused the de-facto complainant and his relatives and assaulted them resulting in them sustaining injury. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the de-facto complainant parties are aggressors and they have assaulted the first petitioner, due to which, he sustained injury. He would further submit that on the complaint given by the first petitioner, a case in Cr.No.172 of 2022



has been registered against the de-facto complainant's relatives and only as a counter blast, the present complaint has been given.

4.The learned Government Advocate (crl.side) would submit that it is a case and case in counter. He would further submit that during a quarrel, the petitioners party and the de-facto complainant's party assaulted each other resulting in registration of counter cases. He would also submit that the injured has also been discharged from hospital.

5.Heard the learned Counsel. Taking into consideration the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Thiruppuvanam, Sivagangai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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]**.



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
15/12/2022

/ TRUE COPY /

WEB COPY

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

To

- 1 THE JUDICIAL MAGISTRATE, THIRUPPUVANAM, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.SENTHILKUMAR R, Advocate (SR-14903[I] dated 15/12/2022)

ORDER
IN
CRL OP(MD) No.21395 of 2022
Date :15/12/2022

RS/VR/SAR.3(23.12.2022) 3P-6C