



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.21624 of 2022

1. Manikandan @ Manikandaprabhu
S/o.Murugan
2. Murugan
3. Manikandan
S/o.Kottaichamy
4. Velunachiyar
5. Geetha
6. Vellainachiyar
7. Sathya

...Petitioners/Accused
No.1 to 7

-vs-

State rep.by
The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(Crime No.72 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 Crime No.72 of 2022 on the file of the respondent Police.

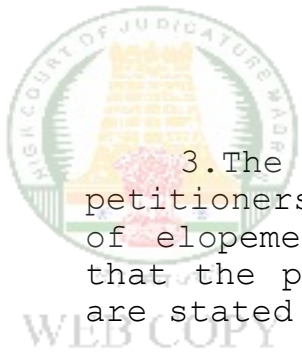
For Petitioners : Ms.A.S.Rajeswari, Advocate

For Respondent : Mr.M.Veeranthiran
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, 452, 294(b), 323, 324 and 506(ii) IPC in Crime No.72 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Muneeswaran, is that on account of a dispute regarding love affair and elopement, the accused had assaulted the de-facto complainant and his family members with deadly weapons and abused in filthy language. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and due to the previous enmity on account of elopement, a false complaint has been given. He would submit that the petitioners have no previous case and the alleged victims are stated to have been discharged from the hospital.

4.The learned Government Advocate (Crl.side) would submit that the accused had assaulted the de-facto complainant and his family members with deadly weapons and abused in filthy language, on account of a dispute regarding love affair and elopement. He would oppose to grant anticipatory bail to the petitioners.

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, Thiruchuli, Virudhunagar District, on condition that the petitioners shall execute 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 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 FIR can be registered under Section 229A IPC.

Sd/-
09/12/2022

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/ TRUE COPY /

/12/2022

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

cmr

TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S RAJESWARI.A.S Advocate SR.No.14603

ORDER
IN
CRL OP(MD) No.21624 of 2022
Date :09/12/2022

SP/BUC/SAR I/16/12/2022/3P/6C