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

Date : 13/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21918 of 2022

Muthukaruppan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Sellur Police Station,
Sellur, Madurai City,
Madurai.
(Crime No.1094/2022).

... Respondent/Complainant

For Petitioner : M/s.Niranjan S.Kumar
for M/s.Murugaganesan S,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1094/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 341, 294(b), 308 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.1094 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto-complainant is the father of a student of Meenakshi College, Madurai. On 02.11.2022 at 03.30 p.m., i.e. at the closing hours of the said College, the defacto-complainant was waiting outside the college to pick up his daughter. At that time, a funeral procession was passing in front of the college entrance and all the accused persons came in several two- 2 wheelers behind and in front of the ambulance. The riders of two-wheelers have ridden the vehicles in a rash and negligent manner causing nuisance to the public. When the college students were coming out, all the accused persons have stopped their



vehicles and the ambulance with the dead body in front of the main gate of the college, they shouted and caused public nuisance. The defacto-complainant, being a father of girl student, he confronted the miscreants about their behaviour, asked them not make noise and leave the place. Aggrieved by this, all the accused persons have scolded the defacto-complainant in filthy words and beaten him by their helmets on his head. The defacto-complainant stumbled and fell down. The defacto-complainant's daughter requested the accused persons not to beat her father and to leave him, for which all the accused persons have threatened and caused criminal intimidation and fled the place. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail. The petitioner is innocent and the only allegation against the petitioner is that he was present in the scene of occurrence, during the relevant time and other than that there is no other overt act attributed against him. The earlier petition was dismissed on the ground that the co-accused was still in custody and the investigation is at preliminary stage and that the custodial interrogation of the petitioner was required. He would further submit that as on date, the co-accused have been enlarged on bail and the investigation is over. Hence, prays to enlarge the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner was present in the scene of occurrence along with other accused and there is no specific allegation as against the petitioner. However, considering the gravity of the offence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the facts that the co-accused has been arrested and released on bail and substantial part of investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police everyday at 10:30 a.m., and 05:30 p.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

13/12/2022

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/12/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI CITY, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MURUGAGANESAN S Advocate SR.No.14774

ORDER

IN

CRL OP(MD) No.21918 of 2022

Date :13/12/2022