



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P (MD) Nos.21704 and 21800 of 2022

WEB COPY

1.Ajay Sankar @ Ajay
2.Pon Kattazhagan @ Kattazhagan
3.Pon Abinash @ Abinas Harish
4.Varatharajan @ Varathan ...Petitioners/Accused No.2 to 5
in Crl.O.P. (MD) No.21704 of 2022

Suresh ...Petitioner/Accused No.1
in Crl.O.P. (MD) No.21800 of 2022

-vs-

The State represented by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(Cr.No.151 of 2022) ...Respondent/Complainant
in both petitions

COMMON PRAYER: Criminal Original Petitions 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.151 of 2022 on the file of the respondent Police.

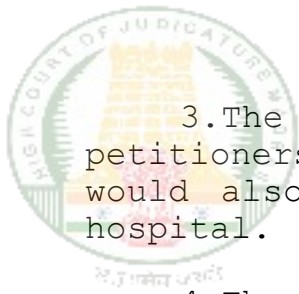
(in both cases)

For Petitioners : Mr.N.Mariappan, 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, 294(b), 323, 324, 506(ii) of IPC in Crime No.151 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Koodalingam, is that the on 03.12.2022 at about 09.00 pm, when the de-facto complainant went to petrol bunk, the petitioners and other accused came to opposite side and damaged the vehicle of the de-facto complainant and they have also abused the de-facto complainant in filthy language and attacked him with hands and also threatened him with dire consequences. 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 injured has been discharged from the hospital.

4.The learned Government Advocate (crl.side) would submit that when the de-facto complainant went to a petrol bunk on 03.12.2022, the petitioners and other accused have damaged his vehicle, and abused and assaulted him and threatened him with dire consequence. He would also submit that the injured has been discharged from the hospital.

5.Heard the learned Counsel. Taking into consideration the facts and submissions of the case and also perusing the materials available on record, 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 No.I, Sattur, 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., 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.

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sd/-
19/12/2022

/ TRUE COPY /

23/12/2022

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

CMR

TO

1. THE JUDICIAL MAGISTRATE NO. I, SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.O.P (MD) Nos. 21704 and
21800 of 2022
Date : 19/12/2022

RK/MMS/SAR-2 (23/12/2022) 3P/5C