



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

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

CRL.O.P (MD) No.21705 of 2022

WEB COPY

1.Vadivel
2.M.Kannan

...Petitioners/Accused
Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(in Cr.No.186 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 or surrender in Cr.No.186 of 2022 pending investigation on the file of the respondent Police.

For Petitioners	: Mr.M.Jerin Mathew, Advocate
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor
For Intervenor	: Mr.K.Anand, Advocate

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), 307, 427, 506(ii) and 380 of IPC in Crime No.186 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to previous enmity between the parties, on 29.10.2022, the accused persons unlawfully assembled with weapons, abused the de-facto complainant and her husband by using filthy language and attacked them with aruval and threatened them with dire consequences and also damaged the household articles, vehicles, agricultural equipment and also taken away Rs.45,000/- kept in the house. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that the main accused has already released on bail by order of this Court, dated 24.11.2022 in Crl.O.P.(MD)No.20833 of 2022.

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4.The learned Government Advocate (crl.side) would submit that there are 13 accused involved in this case. The value of the damages is Rs.21,70,000/- and cash of Rs.45,000/- was stolen by the accused. The stolen amount is not yet recovered. The injured was discharged from the hospital. The investigation is almost over. However, considering the gravity of offence, he strongly opposes to grant anticipatory bail to the petitioners.

5.At this juncture, the learned Counsel for the petitioners would submit that the petitioners are preferred to abide by any stringent conditions imposed on them.

6.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.

7.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 Radhapuram, 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 are directed to deposit a sum of Rs.1,50,000/- each to the credit of Cr.No.186 of 2022 before the learned Judicial Magistrate, Radhapuram, Tirunelveli within a period of two weeks, without prejudice to their rights and contentions, failing which, the anticipatory bail granted to the petitioners shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/12/2022

/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.JERIN MATHEW M, Advocate (SR-14713[I] dated 12/12/2022)

ORDER
IN
CRL OP(MD) No.21705 of 2022
Date :12/12/2022

cmr
USK/SSS/SAR-II/19.12.2022/3P/6C