



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2022
PRESENT

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

CRL OP(MD) . Nos.22039 and 22067 of 2022

- | | |
|-----------------------------|---|
| 1. Vijayakumar | ... Accused/Rank Not Known
in Crl.OP(MD)No.22039 of 2022 |
| 2. Satheesh @ Satheeshkumar | ... Accused/Rank Not Known
in Crl.OP(MD)No.22039 of 2022 |
| 3. Ashok | ... Accused/Rank Not Known
in Crl.OP(MD)No.22039 of 2022 |
| 4. Raja @ Siruthai Raja | ... Petitioners/Accused No.5
in Crl.OP(MD)No.22039 of 2022 |

Alex @ Alexanderdevanesan	... Petitioner/Accused No.1 in Crl.OP(MD)No.22067 of 2022
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Vs

The State rep.by
The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
Crime No.2320 of 2022.

... Respondent/Complainant

In Both Petitions:-

For Petitioners : M/s.Krishnan S, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.2320 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C, in Crime No.2320 of 2022, on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution as per the defacto complainant is that due to dispute regarding hoisting of party flag, both the parties have assaulted each other, resulting in a case and case in counter were filed before the respondent Police.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, due to a political dispute. The defacto complainant's party are the real aggressor and they prevented the petitioners to hoist their party flag. On the basis of complaint given by the petitioners, a case in Crime No.2319 of 2022, has been registered against the defacto complainant's party. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners and the defacto complainant belongs to different political parties. Due to dispute regarding hoisting of their party flags, they assaulted each other, resulting which, a case and case in counter were registered against them. Hence, prays to dismiss the petition.

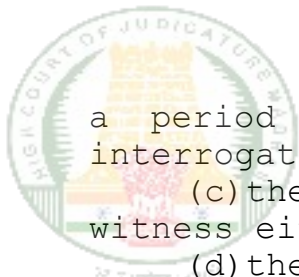
5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.V, Madurai**, on condition that the petitioners shall execute a 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners in Crl.OP(MD)No.22039 of 2022 shall report before the respondent Police daily at 10:30 a.m., for a period of two weeks, thereafter, on every Saturday at 10:30 a.m., until further orders and the petitioner in Crl.OP(MD)No.22067 of 2022 shall report before the respondent Police daily at 10:30 a.m., for



a period of one week, thereafter, as and when required for interrogation;

(c) the petitioners 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 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2022

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/12/2022

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

PNM

TO

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

+1. CC to M/S.KRISHNAN S Advocate SR.No.14865

ORDER IN

CRL OP(MD) . Nos.22039 and
22067 of 2022

Date :14/12/2022

SA/SSS/SAR.2/26.12.2022/3P/6C

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