



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.22063 of 2022

1. SKM.Muthupandi

2. E.Muthupandi

... Petitioners/Accused Nos. 4 & 5

Vs

State Rep.by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No.290 of 2022..

... Respondent/Complainant

For Petitioners: M/s.Senthil Murugan C,Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.290 of 2022 on the file of the Respondent Police.

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), 332, 307, 506(ii) of I.P.C, in Crime No.290 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant, who is working as the Head Constable is that on 07.12.2022, at about 11.30PM, during the regular night rounds, he found that the accused persons had caused trouble to the public, when the same was questioned by him, they abused him with filthy language and also assaulted with stones, thereby prevented him from discharging his official duty. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioners are innocent and a false case was foisted against them, since there was a political enmity between the parties. The injured was treated as out patient. Hence, prays to release them on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the in this case, though injured was treated as out patient, the accused persons assaulted the defacto complainant and caused hindrance to discharge his official duty. 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 fact that the injured was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is 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, Tenkasi**, 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:

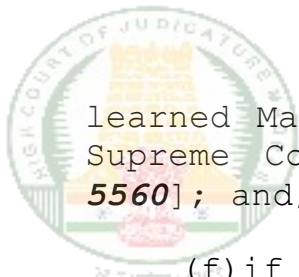
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners 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;

(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 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.

TO

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

+1 CC to M/s.SENTHIL MURUGAN C, Advocate (SR-15006[I] dated 16/12/2022)

ORDER

IN

CRL OP(MD) No.22063 of 2022

Date :14/12/2022

pnm

PKP/VR/SAR-4/21.12.2022/3P/6C