



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2022
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22502 of 2022

WEB COPY

1.V.Lakshmanan
2.S.Muthuselvam @ Muthuperumal
3.A.Arumuga Raja
4.J.Karthick
5.Velsamy

...Petitioners/Acused Nos.1 to 5

-vs-

The State represented by
The Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District.
(Cr.No.106 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 in connection with Cr.No.106 of 2022 on the file of the respondent Police.

For Petitioners : Mr.Ragaventhree, Advocate
for Ms.T.Saroja, Advocate

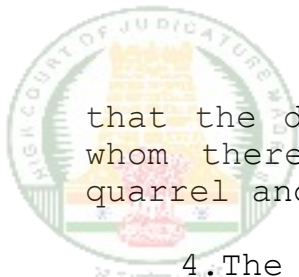
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

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) and 506(ii) of IPC in Crime No.106 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Kombaiah, is that his father in-law running a school and the accused used to trespass into the compound and used to drink there and when it was questioned by the de-facto complainant, the accused have abused and threatened him and also intimidated him. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given by the complainant using his influence. He would also submit



that the de-facto complainant is also a habitual offender, at whom there are five previous cases are pending and there was a quarrel and a false complaint has been given.

4.The learned Government Advocate (crl.side) would submit that the petitioners were having the habit of drink inside the school run by the father-in-law of the de-facto complainant and when the same was questioned by the de-facto complainant, the petitioners have abused the de-facto complainant and intimidated him by showing a knife. However, he would submit that nobody has injured in this case.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Alangulam, Tirunelveli, 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 06.30 p.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.

sd/-
20/12/2022

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

cmr

TO

1.THE JUDICIAL MAGISTRATE, ALANGULAM, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SEETHAPARPANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SAROJA T, Advocate (SR-15166[I] dated 20/12/2022)

ORDER
IN
CRL OP(MD) No.22502 of 2022
Date :20/12/2022

RK/VR/SAR-2 (28/12/2022) 4P/6C