



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.22907 of 2022

1.V.Mahalingam
2.A.Gunasekaran

...Petitioners/Accused No.5 & 6

-vs-

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.638 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.638 of 2022 on the file of the respondent Police.

For Petitioners : Mr.M.Ponniah, Advocate

For Respondent : Mr.K.Sanjai Gandhi
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 and 506(ii) of IPC r/w Section 4 of TNPHW Act in Crime No.638 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 there is a civil dispute between the accused and the de-facto complainant. On 30.10.202 and 31.10.2022, the de-facto complainant came to the disputed land. At that time, the petitioners and other accused have attacked the de-facto complainant. 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. Hence, he would pray for anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that the injured has been discharged from the hospital and the investigation is pending. Hence, he would oppose for grant of anticipatory bail to the petitioners.

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, Melur, Madurai, 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 shall report before the respondent police everyday at 05.30 p.m., for a period of two weeks, thereafter every Saturday at 05.30 pm 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/-

23/12/2022

/ TRUE COPY /

/01/2023

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



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

+1. C.C. to M/S.M.PONNIAH Advocate SR.No.15496

ORDER
IN
CRL OP (MD) No.22907 of 2022
Date :23/12/2022

SP/BUC/SAR III/02/01/2023/3P/6C