



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

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

CRL.O.P(MD)No.122 of 2023

1.G.Sankar Kumar
2.R.Arunkumar

...Petitioners / Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(in Cr.No.535 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 by the respondent Police with respect to Cr.No.535 of 2022.

For Petitioners	:	Mr.K.Sudalayandi, 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 294(b), 323, 324 and 506(ii) IPC in Crime No.535 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 a dispute with regard to the parking of car in front of the de-facto complainant's company, the accused have abused and attacked the de-facto complainant with iron pipe and rod and threatened the de-facto complainant with dire consequences. 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 further submit that the incident had happened during a quarrel when the de-facto complainant had prevented the petitioners from parking a car. He would further submit that the petitioners are



ready to abide by any stringent conditions that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that the petitioners in an inebriated condition have attempted to park their car in front of the de-facto complainant's company and when it was questioned by the de-facto complainant, the petitioners have brutally assaulted him and two other persons resulting in them sustaining injuries. He would further submit that the de-facto complainant suffered grievous injury and he had lost two teeth and his nasal bones were also smashed and there was a bleeding injury and he was admitted in the hospital as in patient.

5.In reply, the learned Counsel for the petitioners would submit that it is an unfortunate incident, which had happened during the quarrel and the petitioners, without prejudice their rights and contentions, are ready to jointly deposit a sum of Rs.30,000/- to the credit of Cr.No.535 of 2022 and that they also have no objection for the amount being released in favour of the de-facto complainant, Singadurai.

6.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 petitioner with certain conditions.

7.Accordingly, the petitioners are directed to jointly deposit a sum of Rs.30,000/- to the credit of Cr.No.535 of 2022 and on production of receipt of deposit, 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 Court, Thirumangalam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 10.30 a.m., for a period of one week and thereafter, every Saturday at 05.30 pm until further orders.

[c] the petitioner shall not tamper with 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

(g) the learned Judicial Magistrate, Thirumangalam shall issue notice to the de-facto complainant, Singadurai and the amount of Rs.30,000/- shall be disbursed to him.

sd/-

05/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.SUDALAYANDI.K., Advocate (SR-232[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.122 of 2023

Date :05/01/2023

cmr

MK/VR/SAR II(20.01.2023) 3P 6C