



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.128 of 2023

1. Radhakrishnan	...1 st Petitioner/Accused No.1
2. Sathyendiran	...2 nd Petitioner/Accused No.2
3. Muthukrishnan	
4. Ponmuniyandi	
5. Veni @ Muthukrishna Veni	
6. Bakkiyam	
7. Panjavarnam	
8. Solaiyammal	...3 to 8 Petitioners/ Accused No.3 to 8

Vs

The State rep.by,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No. 249 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Manokaran P,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 249 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A8 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147,148,294(b),323,324,506(ii) and 307 of I.P.C., in Crime No.249 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
https://www.mhct.in/get_in_judis 25.12.2022 at about 6.30 pm., the bullock of the defacto



complainant ran through the petitioners colony street and it was questioned, the petitioners herein along with other accused abused the defacto complainant, assaulted him and also threatened with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that it is a case and case in counter and the injured has been discharged from the hospital, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners along with other accused abused the defacto complainant, assaulted him and also threatened with dire consequences. He would also submit that the first petitioner is having five previous cases.

5. In reply, the learned counsel for the petitioners would submit that the cases are registered due to political reason and he would submit that the first petitioner is a differently abled person with more then 50% disability person and he has fixed Jaipur leg.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from hospital, this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

8. 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, Vadipatti, on condition that the petitioner 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 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., until further orders.

[c] the petitioners shall not tamper with evidence or witness
<https://www.court.gov.in/> 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/-
05/01/2023

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/01/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s..MANOKARAN P, Advocate (SR-220[I] dated 05/01/2023)

ORDER
IN
CRL OP(MD) No.128 of 2023
Date :05/01/2023

RK/VR/SAR-4 (11/01/2023) 3P/6C