



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/01/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.224 of 2023

1. Kesavadasan
2. Kannan
3. Veeramuthumani
4. Jeyaprakash
5. Gowthamasankar
6. Sankaiya
7. Chellathurai
8. Sangu
9. Maheswaran
10. Sivakumar
11. Rajkumar
12. Karnan
13. Maheshwari
14. Velammal
15. Dhanalakshmi
16. Veerapathiran
17. Nagasangeetha
18. Nagasankari

... Petitioners/Accused
Rank Not Known

Vs

The state rep.by
The Inspector of Police,
Palaiyanur Police Station,
Sivagangai District.
(Crime No.1/2023).

... Respondent/Complainant



For Petitioners : Mr.K.Muthuvai Ilayaraja, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.1 of 2023 on the file of the respondent Police, seek anticipatory bail.

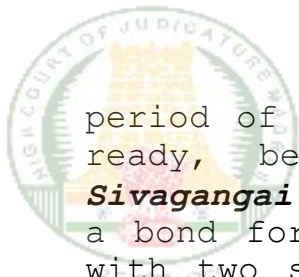
2.The case of the prosecution, as per the de-facto complainant, is that due to a dispute with regard to the conduct of Temple festival, on 31.12.2022, the accused persons have abused the de-facto complainant and others in filthy language and also attacked them resulting in them sustaining injuries. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that it is a case and case in counter and on the basis of the complaint given by the petitioners' side, a case in Cr.No.2 of 2023 came to be registered against the de-facto complainant's side and he would submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them and he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that due to a dispute with regard to the conduct of Temple festival, on 31.12.2022 the accused persons have abused the de-facto complainant and others in filthy language and also attacked them resulting in them sustaining injuries. He would further submit that it is a case and case in counter and on the basis of the complaint given by the petitioners, a case in Cr.No.2 of 2023 came to be registered against the de-facto complainant's side and he would oppose for grant of anticipatory bail to the petitioners.

5.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 is ready, before the learned **Judicial Magistrate Thiruppuvanam, Sivagangai District**, 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 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 two weeks and thereafter, every Saturday at 10.30 am 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/-

12/01/2023

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/01/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, THIRUPPUVANAM, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALAIYANUR POLICE STATION, SIVAGANGAI DISTRICT.

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

ORDER IN

CRL OP(MD) No.224 of 2023

Date :12/01/2023

SA/BUC/SAR.3/31.01.2023/3P/5C

<https://www.mhc.tn.gov.in/judis>