



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

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

CRL.O.P (MD) No.338 of 2023

WEB COPY

1.Karthikeyan

2.Gopinath

3.Vinoth

...Petitioners/Accused No.1 to 3

-vs-

The State represented by
The Inspector of Police,
Manapparai Police Station, Manapparai,
Trichy District.
(Cr.No.3 of 2023)

...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.3 of 2023 on the file of the respondent Police.

For Petitioners	: Mr.T.Vadivelan, Advocate
For Respondent	: Mr.P.Kottai Chamy 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, 448 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.3 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Mohandoss, is that he is a practicing Advocate and that on 01.01.2023 at about 05.30 pm., while he was in his office discussing along with his aunty, the accused have trespassed into his office and by abusing them in filthy language, assaulted the de-facto complainant and his aunt with iron rod and hands resulting in them sustaining injuries and thereafter, they are attempted to escape from a Volkswagen car and at that time, one of the accused, Vinoth had fallen down and he had sustained injury. 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 earlier the de-facto complainant's son, Dheepan, had assaulted the first and second accused and thereby, they have sustained injuries and on the complaint given by the third petitioner, Vinoth, a case in Cr.No.2 of 2023 has also been registered against the son of the de-facto complainant and only as a retaliation and counter blast, a false complaint has been given. He would also submit that even as per the prosecution, now the victim is alleged to have been discharged from the hospital. He would submit that the petitioners have no previous case against them and thereby, he would seek for anticipatory bail to the petitioners.

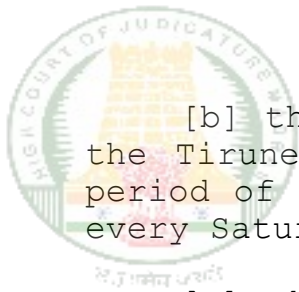
4.The learned Government Advocate (crl.side) would submit that the third petitioner is an Advocate and earlier, the son of the de-facto complainant had assaulted the third petitioner and on the complaint given by the third petitioner, a case in Cr.No.2 of 2023 has been registered against the de-facto complainant's son. While so, on the same day, at about 05.30 pm., the accused have trespassed into the office of the de-facto complainant and had assaulted him and his aunt with iron rod resulting in them sustaining injuries. He would oppose for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervenor would submit that the accused without any provocation have trespassed into the office of the de-facto complainant and have assaulted the de-facto complainant and his aunt in retaliation to attack by the de-facto complainant's son earlier and he would object for grant of anticipatory bail.

6.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.

7.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 Court, Manapparai, 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 stay at Tirunelveli and report to the Tirunelveli Town Police Station everyday at 10.30 a.m., for a period of two weeks, thereafter report before the respondent Police 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/-

06/01/2023

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

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TO

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

ORDER

IN

CRL OP(MD) No.338 of 2023

Date : 06/01/2023

RK/MMS/SAR-2 (24/01/2023) 3P/5C

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