



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

PRESENT

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

CRL.O.P(MD)No.1827 of 2023

WEB COPY

- 1.Suntarapandiyan @ Sundharapandi
- 2.Ponraj
- 3.Karuppaiah @ Devendra Karuppaiah

...Petitioners/ Accused No.7, 8 & 15

-vs-

The State represented by
The Inspector of Police,
M.Kallupatti Police Station,
Usilampatti Sub Division,
Madurai District.
(Cr.No.121 of 2022)

...Respondent

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.121 of 2022 on the file of the respondent Police.

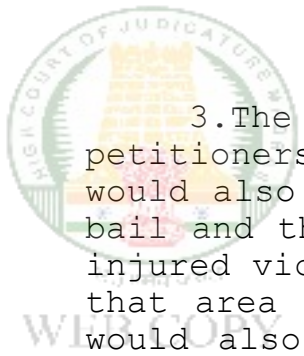
For Petitioners : Mr.S.Lenin Prabu

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 147, 148, 294(b), 323, 324, 307, 452, 427 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.121 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 on 19.12.2022, due to previous enmity, when the de-facto complainant along with his sons were standing in front of the Kamarajar Marriage hall, the accused persons came along with iron rods, stones and knife, abused the de-facto complainant in filthy language and there was a wordy altercation between both parties regarding previous kabadi match, as a result of which, the accused persons said to have attacked the de-facto complainant and his son and caused injuries. 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 this is the second petition for anticipatory bail and the previous petition was dismissed on the ground that the injured victims are still hospital and that tension is prevailing in that area and police picketing is also there in the locality. He would also submit that as on date, the injured victims have been discharged from hospital and the police picketing has also now been withdrawn and he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that on 19.12.2022, due to previous enmity, when the de-facto complainant along with his sons were standing in front of the Kamarajar Marriage hall, the accused persons came along with iron rods, stones and knife, abused the de-facto complainant in filthy language and there was a wordy altercation between both parties regarding previous kabadi match, as a result of which, the accused persons said to have attacked the de-facto complainant and his son and caused injuries. He would also submit that now the police picketing has been withdrawn from the village and he would oppose for grant of anticipatory bail to the petitioner.

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 Judicial Magistrate Court No.II, Usilampatti, Madurai District, 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:

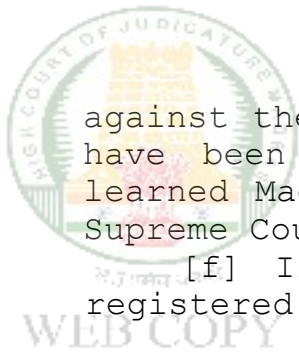
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., 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/-

31/01/2023

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/02/2023

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

cmr

To

1.The Judicial Magistrate No.II,
Usilampatti, Madurai District.

2. -do-Through The Chief Judicial Magistrate, Madurai District.

3.The Inspector of Police,
M.Kallupatti Police Station,
Usilampatti Sub Division,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.LENINPRABU, Advocate (SR-1565[I] dated 01/02/2023)

ORDER

IN

CRL OP(MD) No.1827 of 2023

Date :31/01/2023

RD/SAR-I(03/02/2023) 3P 6C