



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2023

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PRESENT

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

CRL OP(MD). No.534 of 2023

1. K.Thavapandi,
2. P.Kamatchi,
3. K.Murugeshwari,
4. B.Kamakal,
5. B.Ashok,

... Petitioners/Accused No.1 to 3,5 & 13

Vs.

The State rep.by,
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.197/2022).

... Respondent/Complainant

For Petitioners: Mr.Pinaygash I,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.197/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, A5 & A13 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 324 and 506(ii) of I.P.C. and Section 4 of TNPHW Act, in Crime No.197 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 the first accused had forcibly seized the money from the defacto complainant's grandson namely Rohit aged about 7 years when he went to petty shop for buying grocery things and when that was questioned by the defacto complainant, there was a wordy quarrel between them and the petitioners and others abused and humiliated the complainant's grandson and caused simple injury. Hence,



the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the fact remains is that it is a case in counter and the defacto complainant assaulted the son of the second petitioner, due to which he sustained injuries and based on the complaint given by the petitioners's side, a case in Crime No.198 of 2022 has been registered. Only as a counter blast, the present complaint has been lodged. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor(Cri.Side) appearing for the respondent would submit that a counter case has been filed in Crime No.198 of 2022 and injured has already been discharged from the hospital.

5. Heard. Perused the materials available on record including the First Information Reports in both cases.

6. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, 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, Periyakumar, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **one surety** 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., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

<https://www.mhc.tn.gov.in/judis>[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/-
10/01/2023

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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 MAGISTRAT,
PERIYAKULAM,
THENI DISTRICT.
- 2 -DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.534 of 2023
Date :10/01/2023

VA/MMS/SAR-4/23.01.2023/3P/5C

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