



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.591 of 2023

- 1.Singaravelan
- 2.Kannan
- 3.Satheeshwaran @ Sathishwaran
- 4.Ramalingam
- 5.Gnana Pandithan
- 6.Sangu @ Sangili
- 7.Azhagumani
- 8.Moolalingam
- 9.Bose
- 10.Senbagamani
- 11.Pandi
- 12.Malaiyarasan
- 13.Senbagabala
- 14.Theena @ Dheenadhayalan
- 15.Janardanan @ Janarthanan
- 16.Chithira @ Chitra
- 17.Gandhi @ Gandhimathi
- 18.Sivasankari @ Sankareswari
- 19.Balamurugan
- 20.Maheswari

...Petitioners/Accused Nos. 1 to 20

-vs-

The State represented by
The Inspector of Police,
Palaiyanur Police Station,
Sivagangai District.
(Cr.No.2 of 2023)

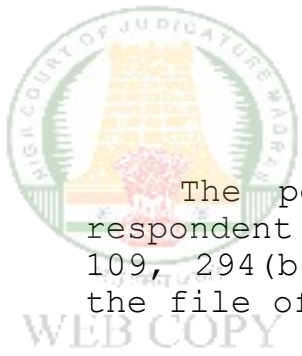
...Respondent/Complainant

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

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

For Petitioners : Mr.P.T.Ramesh Raja, Advocate

For Respondent : Mr.K.Sanjai Gandhi
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, 109, 294(b), 323, 324 and 506(ii) of IPC in Crime No.2 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 on 31.12.2022 at about 05.30 pm., while the village people gathering for Margali Pongal Celebration, the accused persons have come to the spot and abused the de-facto complainant in filthy language and assaulted him and his brother's son with wooden log resulting in them sustaining 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 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.1 of 2023 came to be registered against the de-facto complainant's side and the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that on 31.12.2022 at about 05.30 pm., while the village people gathering for Margali Pongal Celebration, the accused persons have come to the spot and abused the de-facto complainant in filthy language and assaulted him and his brother's son with wooden log resulting in them sustaining injuries. He would also submit that two previous cases are pending against the first petitioner, six previous cases are pending against the fourth petitioner and the petitioners 8 and 12 are having each one previous case pending against them.

5.In reply, the learned Counsel for the petitioners would submit that the cases pending against the first petitioner are relating to the year 2001 and 2015 and he would not press the application in respect of the fourth petitioner and hence, this petition is dismissed as against the fourth petitioner.

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 1 to 3 and 5 to 20 with certain conditions.

7.Accordingly, the petitioners 1 to 3 and 5 to 20 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, Thiruppuvanam, Sivagangai District, on condition that the petitioners 1 to 3 and 5 to 20 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 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 1 to 3 and 5 to 20 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 1 to 3 and 5 to 20 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners 1 to 3 and 5 to 20 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1 to 3 and 5 to 20 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 1 to 3 and 5 to 20 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 and 5 to 20 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

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

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.

+1 CC to M/s.RAMESH RAJA.P.T, Advocate (SR-478[I] dated
10/01/2023)

ORDER
IN
CRL OP (MD) No.591 of 2023
Date :10/01/2023

PKP/BUC/SAR-2/30.01.2023/4P/6C