



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P(MD)Nos.858 and 886 of 2023

Velmuthu

... Petitioner/Accused-A5
in Cr1 OP(MD).858/2023

... Petitioner/Accused-A2
in Cr1 OP(MD).886/2023

-vs-

State represented by
The Inspector of Police,
Thiruchuzhi Police Station,
Virudhunagar District.
(Cr.Nos.42 and 395 of 2020)

... Respondent/Complainant
in both cases

COMMON PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.Nos.42 and 395 of 2022.

For Petitioner : Mr.R.Murugappan, Advocate

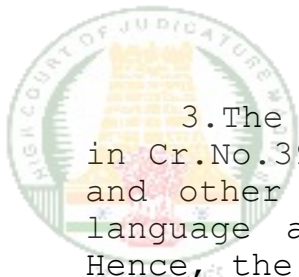
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
(in Cr1.O.P.(MD)No.858 of 2023)

For Respondent : Mr.P.Kottai Chamy
Government Advocate (crl.side)
(in Cr1.O.P.(MD)No.886 of 2023)

C O M M O N O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(B), 323 and 506(ii) of IPC in Crime No.42 of 2020 and Sections 294(b), 323 and 506(i) of IPC in Cr.No.395 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant in Cr.No.42 of 2020, is that due to previous enmity, the petitioner and other accused have abused the de-facto complainant in filthy language and assaulted her and also criminally intimidated her. Hence, the complaint.



3.The case of the prosecution, as per the de-facto complaint in Cr.No.395 of 2020, is that due to previous enmity, the petitioner and other accused have abused the de-facto complainant in filthy language and assaulted him and also criminally intimidated him. Hence, the complaint.

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4.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner was the juvenile at the time of the alleged occurrence and hence, he would seek for anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.side) would submit that the petitioner has abused and assaulted the de-facto complainants in both cases and also criminally intimidated them. He would oppose for grant of anticipatory bail to the petitioners.

6.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 petitioner with certain conditions.

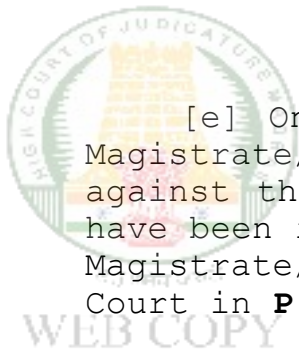
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruchuzhi, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

To

1 THE JUDICIAL MAGISTRATE,
THIRUCHUZHI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
THIRUCHUZHI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL.OP (MD)Nos.858 and 886 of 2023

Date :12/01/2023

RS/SSS/SAR.3(30.01.2023) 3P-5C