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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.01.2023
PRESENT
THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.1426 of 2023

1.Andavar
2.Chandrakumar
3.Surendar
4.Chandru
5.Mathesh @ Mathesh Kumar ...Petitioners / Accused Nos.1 to 5

-vs-

The State represented by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(in Cr.No.26 of 2023) ...Respondent / Dejure 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 by the respondent Police with respect to Cr.No.26 of 2023.

For Petitioners : Mr.R.Alagumani, Advocate.
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, 341, 294(b), 323, 506(ii) and 109 of IPC in Crime No.26 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 due to a wordy quarrel, the accused persons have abused the de-facto complainant in filthy language and also assaulted him with hands and criminally intimated him. 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.24 of 2023 for the offences punishable under Sections 147, 341, 294(b), 341, 427, 324 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 2015, came to be registered against the de-facto complainant's side. He would further submit that the petitioners are ready to abide by any stringent conditions,

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that may be imposed on them. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that due to a wordy quarrel, the accused persons have abused the de-facto complainant in filthy language and also assaulted him with hands and criminally intimated him. He would also submit that asfaras the first petitioner is concerned, he has got three previous cases for offence punishable under Section 307 of IPC. He would object for grant of anticipatory bail to the petitioners.

5.In reply, the learned Counsel for the petitioners would submit that it is a case and case in counter and that the de-facto complainant's party are the aggressors. He would further submit that the first petitioner is ready stay elsewhere.

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, Periyakulam, 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 first petitioner shall stay at Chennai and report before the Egmore Police Station daily at 10.30 a.m., and 05.30 p.m., until further orders and the other 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].**

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[f] If the accused thereafter absconds, a fresh FI be registered under Section 229A IPC.

sd/-
25/01/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT

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

COPY TO:
THE INSPECTOR OF POLICE,
EGMORE POLICE STATION, CHENNAI.

+1. CC to M/S.ALAGUMANI.R Advocate SR.No.1192.

ORDER
IN
CRL OP(MD) No.1426 of 2023
Date :25/01/2023

cmr
MK/SAR-II(04.02.2023) 3P 7C

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