



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:30.01.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1481 of 2023

WEB COPY

1.Mahesh
2.Sivanesan
3.Rakul @ Rakulrajesh
4.Praveen
5.Kavin
6.Mani @ Nallamani

...Petitioners/Accused 1to 6

-vs-

The State represented
Through The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Cr.No.22 of 2023)

...Respondent/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 in connection with Cr.No.22 of 2023 on the file of the respondent Police.

For Petitioners : Mr.Atham Ali.S, Advocate

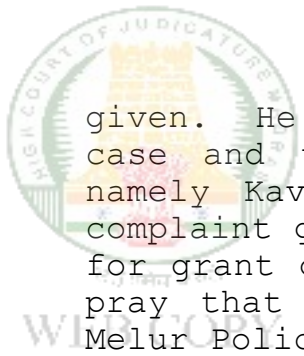
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

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, 109, 294(b), 324, 506(ii) IPC in Crime No. 22 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Ajay is that the accused during year 2022 offered to get a job in Singapore and taken into Singapore and asked to sell Hans there and the defacto complainant had come back to Melur and on account of that enmity on 19.01.2023 the first accused along with his friends had abused him and assaulted him with beer bottles and attempted to stab with broken beer bottles. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and a false complaint has been



given. He would also submit that it is a case of case and case and the defacto complainant assaulted the fifth petitioner namely Kavin on account of which he sustained injuries and the complaint given by the petitioners was not taken by police. He prays for grant of anticipatory bail to the petitioners. He would further pray that the petitioners may be permitted to report before the Melur Police Station.

4.The learned Government Advocate (crl.side) would submit that the first petitioner had earlier cheated the defacto complainant and later the accused have assaulted him with beer bottles and they have attempted to stab with broken beer bottles. He prays for dismissal of this application.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 learned Judicial Magistrate, Melur, 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 5th and 6th petitioners shall report before the Melur police station everyday at 6.30 p.m until further orders and other petitioners shall report before the Melur police station 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/-

30/01/2023

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/ TRUE COPY /

/02/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1481 of 2023

Date :30/01/2023

RK/SAR-1 (03/02/2023) 3P/5C