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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2023

PRESENT

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

CRL OP(MD) . No.1524 of 2023

1.Mathesh @ Mathesh Kumar
2.Andavar
3.Kumar @ Chandra Kumar
4.Surendar @ Sudarsen
5.Sandru @ Chandru
6.Murali
7.Karthick @ Karthikrajan
8.Alagarsamy
9.Ajith @ Ajithkumar
10.Chellpandi
11.Kalaiselvan

... Petitioners/Accused 1 to 11

Vs

State through,
The Inspector of Police,
Thenkarai Police Station,
Theni District
District. Crime No.23 of 2023.

... Respondent/Complainant

For Petitioners : Mr.R.Alagumani, Advocate

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

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

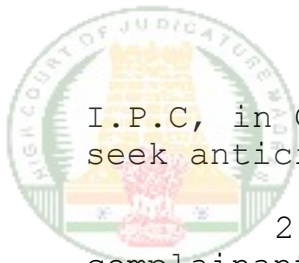
PRAYER :-

C-38AB. For Anticipatory Bail in Crime No.23 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 11, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 307, 323, 324 and 506(2) of

<https://www.mca.gov.in/judis>



I.P.C, in Crime No.23 of 2023, on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Harijegan is that on 16.01.2023 at about 20.15 p.m, quarrel arose between the petitioners and the defacto complainant regarding the Manjuvirattu Jallikattu and the petitioners attacked him with hand and stick and criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false case was foisted against them. He would further submit that counter cases have been filed in Crime Nos.24 and 25 of 2023 against the defacto complainant and his men. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners and the defacto complainant belong to different communities and tension prevails in the village. He would further submit that it is a case of case and counter case and there are 4 victims in this case and they have been discharged from the hospital. He would also submit that so far as the petitioners 1, 4 and 5 are concerned, they are having two previous cases each to their credit and so far as the second petitioner namely Andavar is concerned, he has got 3 previous cases for offence punishable under Section 307 of IPC. Hence, he prays for dismissal of this application.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Periyakulam, Theni District**, on condition that the petitioners shall execute a 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;



(b) the second petitioner shall stay at Chennai and report before the Egmore Police Station at 10.30 a.m and 5.30 p.m until further orders; all the other petitioners shall report before the respondent Police daily at 10:30 a.m and 5.30 p.m until further orders;

(c) the petitioners shall not tamper with the 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 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/01/2023

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/02/2023

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

CM

TO

1. The Judicial Magistrate, Periyakulam, Theni District
 2. Do-through the Chief Judicial Magistrate, Theni District.
 3. The Inspector of Police,
Thenkarai Police Station,
Theni District. Crime No.23 of 2023
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.ALAGUMANI.R Advocate SR.No.1387

ORDER

IN

CRL OP(MD) No.1524 of 2023

Date :27/01/2023

ED/SAR I(06.02.2023) 3P 6C

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