



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2023

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

CRL.O.P(MD)No.2208 of 2023

WEB COPY

1.Elangovan

2.Ramachandran Kamaraj

3.Nagammal Kamaraj

...Petitioners/Accused 1-3

-vs-

The State represented by
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
(in Cr.No.17 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 by the respondent Police with respect to Cr.No.17 of 2023.

For Petitioners : Mr.E.Marees Kumar, Advocate

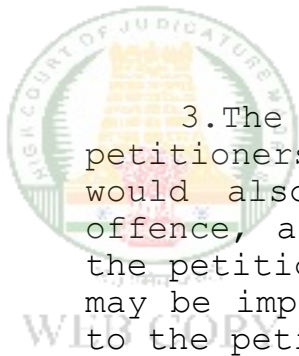
For Respondent : Mr.M.Veeranthrian
Government Advocate (Crl.side)

For Intervenor : Mr.T.Sugadev, Advocate

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 447, 294(b), 323, 324 and 506(ii) of IPC in Crime No.17 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have trespassed into the house of the de-facto complainant and abused the de-facto complainant and his family members in filthy language and also attacked him with wooden stick and iron rod resulting in him 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 the petitioners have not committed any offence, as alleged by the prosecution. He would also submit that the petitioners are ready to abide by any stringent conditions, 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 the accused persons have trespassed into the house of the de-facto complainant and abused the de-facto complainant and his family members in filthy language and also attacked him with wooden stick and iron rod resulting in him sustaining injuries. He would also submit that injured has been discharged from hospital. He would oppose for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervenor would submit that the accused have trespassed into the de-facto complainant's house and abused and also attacked him and his family members. He would strongly oppose for grant of anticipatory bail to the petitioners.

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 No.II, Virudhunagar, 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 report before the respondent police everyday at 06.30 p.m., for a period of one week and thereafter, as and when required, on issuance of summons. The petitioners 2 and 3 shall report before the respondent police everyday at 06.30 p.m., for a period of two weeks and thereafter, on every Saturday at 06.30 p.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/-
10/02/2023

**(*)AMENDED AS PER ORDER OF THIS COURT
DATED 23.02.2023 IN CRL OP(MD)NO.2208
OF 2023**

**TIME IS EXTENDED FOR FURTHER TWO
WEEKS FOR EXECUTING SURETIES, FROM
THE DATE OF RECEIPT OF A COPY OF
THE AMENDED ORDER.**

/ TRUE COPY /

/03/2023

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

CMR

TO

TO BE SUBSTITUTED TO THE ORDER DATED 10/02/2023 ALREADY DESPATCHED

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

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



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

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

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+1 CC to M/s.E.MAREESKUMAR, Advocate SR-2915

ORDER

IN

CRL OP (MD) No.2208 of 2023

Date :10/02/2023

RK/BUC/SAR-1 (20/02/2023) 5P/6C

RK/MMS/SAR-4 (02.03.2023) 4P/6C