



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2335 of 2023

WEB COPY

M.Marimuthu @ Vijay

...Petitioner/Accused No.5

-vs-

The State represented by

The State Rep.by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(in Cr.No.26 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition 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.No.26 of 2023.

For Petitioner
For Respondent

: Mr.G.Karuppasamy Pandiyan
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

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, 341, 294(b), 342, 387 and 506(ii) of IPC and Section 25(1A) of the Arms Act in Crime No.26 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 way laid the de-facto complainant and demanded money from him and the first accused has criminally abused and threatened him. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, since the police suspect that he is the friend of other main accused and he would also submit that A2 and A3 have been detained under Act 14 of 1982 and the other accused A4, who has been arrested, has been granted bail by this Court in Crl.O.P.(MD)No.2952 of 2023. The learned Counsel would further submit that the reading of the complaint would show that it has been foisted only for the purpose of detaining A2 and A3. Hence, he would seek for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused had demanded money from the de-facto complainant and also abused and assaulted him. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.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.

6.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 No.5, Tirunelveli, 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., 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/-
20/02/2023

/ TRUE COPY /

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



To

1.The Judicial Magistrate No.5, Tirunelveli.

2.Do Through the Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.KARUPPASAMY PANDIYAN.G Advocate SR.No.2585

ORDER

IN

CRL OP (MD) No.2335 of 2023

Date :20/02/2023

MGJ/BUC/SAR 2/27/02/2023/3P/6C