



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.2537 of 2023

1.J.Karuppasamy

2.J.Thangapandi

3.J.Chinnakaruppan

...Petitioners/Accused Nos.1 to 3

-vs-

The State represented by  
The Inspector of Police,  
Koomapatty Police Station,  
Virudhunagar District.  
(Cr.No.1 of 2023)

...Respondent/Complainant

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

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.1 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Anandhakumar,Advocate

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

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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, 294(b), 324, 323 and 506(ii) IPC in Crime No.1 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 previous enmity, the accused formed themselves into an unlawful assembly, abused him in filthy language, assaulted with iron rod and stone and thereby caused injuries on him. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and due to civil dispute, a false



complaint has been given against them. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. He would pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that the first accused is having 13 previous cases out and the accused 2 and 3 are having 1 previous case each to their credit. He would further submit that injured has been discharged from the hospital. He would oppose to grant anticipatory bail to the petitioners.

5. Heard the learned Counsel. Considering the bad antecedent of the first accused, this petition is dismissed with regard to the first petitioner/A1. Taking into consideration the facts and circumstances of the case and considering the fact that the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6. Accordingly, the petitioners 2 and 3 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.1, Srivilliputhur, 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 2 and 3 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 petitioners 2 and 3 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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** AIR SCW 5560].

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

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sd/-  
08/02/2023

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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 NO.I,  
SRIVILLIPUTHUR.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
KOOMAPATTY POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ANANDHAKUMAR S Advocate SR.No.2072(I)

ORDER  
IN  
CRL OP(MD) No.2537 of 2023  
Date :08/02/2023

PKP/SBN/SAR-1/21.02.2023/3P/6C