



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.4160 of 2023

WEB COPY

1.Ramakrishnan
2.Ramakodi
3.Muthulakshmi
4.Subramani @ Sivasubramanian
5.Ramar ...Petitioners/Accused Nos.1 to 3, 5 & 6

-vs-

The state represented by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Cr.No. 45 of 2023)

...Respondent/Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of 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. 45 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Mandhiralingeswaran,Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 324, 506(ii) IPC in Crime No.45 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 the accused damaged the fencing stones put up in the defacto complainant's land and the same was questioned, they attacked with wooden log and threatened with dire consequences. 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 counter



case and the counter case has been registered in Crime No. 44 of 2023. Hence, he pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that there is dispute between the parties and apart from the present case, a counter has also been registered in Crime No.44 of 2023 dated 26.02.2023 and he would oppose to grant anticipatory bail.

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 No.II, Srivaikundam, Thoothukudi District, 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 petitioners 2 and 3 shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation and the petitioners 1,4 and 5 shall appear before the respondent police every at 10.30 am 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/-
03/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to S. MANDHIRALINGESWARAN Advocate SR.No.3313(I)

ORDER
IN
CRL OP(MD) No.4160 of 2023
Date :03/03/2023

PKP/VRS/SAR-3/(10.03.2023)/ 3P/6C