



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.4208 of 2023

1.A.Kalaiarasan
2.A.Muthaiahpandi
3.K.Arumugasamy
4.T.Mumthaj
5.S.Ananthan @ Anantharaj
6.G.Jeyasingh
7.G.Kumaran
8.E.Sivarajpandian
9.E.Arivalan @ Haribalan
10.E.Sivanuthai @ Sivagnanattai
11.K.Pitchammal
12.A.Seethalakshmi

...Petitioners/Accused Rank Nos.1 to 12

-vs-

The State represented by
The Sub-Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District
(Cr.No. 26 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 in connection with Cr.No. 26 of 2023 on the file of the respondent Police.

For Petitioners : Mr.D.Rajaboopathy, 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, 148, 294(b), 506(ii) IPC in Crime No.26 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 petitioners formed unlawful assembly and assaulted and intimidated the defacto complainant and his family members. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the

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petitioners are innocent persons and due to previous enmity, the complaint is untenable and a complaint has been given. He would also submit that the petitioners are in no way connected to the incident. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that due to previous enmity, the occurrence took place 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, Sankarankovil, Tenkasi District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **one surety** 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 4, 11 and 12 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. The other petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.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]**.



CRL.O.P(MD)



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

sd/-

03/03/2023

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL,
TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAJABOOPATHY D Advocate SR.No.3318(I)

ORDER

IN

CRL OP(MD) No.4208 of 2023

Date :03/03/2023

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