



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8471 of 2023

1. Satheesh Kumar
 2. Sivasamy
 3. Mahalakshmi
 4. Rathinavel
 5. Venkatesan
 6. Kalimuthu
- ... Petitioners / Accused No.1 to 6

Vs

The State rep by
The Inspector of Police,
Peravoorani Police Station,
Thanjavur District.
(Crime No.122 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Venkateshwar R, Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.122 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-



The petitioners/A1 to A6, who apprehend arrest at the of the respondent police for the offences punishable under Sections 147, 294(b), 324, 427 and 506 (ii) IPC in Cr.No.122 of 2023, seek anticipatory bail.

2.The case of prosecution is that the petitioners abused the de-facto complainant in filthy language and criminally intimidated him and also caused damage to the car glass. Hence, the case.

3.On the side of the petitioners, it is stated that the third petitioner is the Municipal Councillor of 11th Ward of Peravoorani Town Panchayat and on the date of occurrence, one vehicle bearing Registration No.TN-41-L-2601 has been transporting sand illegally and further alleged that the said lorry hit the bridge and caused damage to the bridge and hence, there was traffic congestion. Based on the information given by the public, the third petitioner along with the first petitioner came to the spot and informed the lorry owner to remove the said vehicle and at that time, there was a wordy quarrel arisen between the parties, a counter case was registered in Crime No.121 of 2023 against the de-facto complainant and others and prayed the petitioners to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that the injured was discharged from the hospital and as per the FIR, there is no illegal transportation of sand.

5.On the side of the intervenor, it is stated that there was no illegal transport of sand. The victim is not yet discharged from the hospital. The de-facto complainant is having permit to transport the

<https://www.mca21.gov.in/> dis that the third petitioner demanded money for legal



transport of sand and indulged in this offence.

6. Considering the nature of the offence and on considering the fact that there is a counter case pending against the de-facto complainant and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Peravoorani, Thanjavur District, on condition that the petitioners shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 co is
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].

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

sd/-
04/05/2023

/ TRUE COPY /

/05/2023

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

SJI

To

1.The Judicial Magistrate,
Peravoorani, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Peravoorani Police Station,
Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.8471 of 2023
Date :04/05/2023

ED/VS/SAR-3 (08/05/2023) 4P 5C