



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9096 of 2023

1.Ram Kumar	...Petitioner/Accused (A1)
2.Naveen	...Petitioner/Accused (A4)
3. Soorya	...Petitioner/Accused (A5)
4. P. Ranjith Kumar	...Petitioner/Accused (A6)

Vs

The State rep.by,
The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District
(Crime No. 190 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Hitesh Kumar.C,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 190 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 506(2) of IPC and Section 25(1A) of Arms Act, in Crime No.190 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on the occasion of Kaanum Pongal, a few youths residing in Kzheela Theru came to Kudiyana Theru where the defacto complainant resides and they were riding the motorcyces at a high speed. When they were confronted for the same, a case and counter case were lodged by the parties. Thereafter, on 24.05.2023, the accused persons armed with sword and rods had gone



to Kudiyaana Theru and threatened the residence of the said person with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the first and third petitioners are having one previous case and the second and fourth petitioners are not having any previous case. The investigation is yet to be completed.

5.Considering the fact that the first and third petitioners are having one previous case, this Court is not inclined to grant anticipatory bail to them. However, considering the facts and circumstances and also the nature of offence alleged, this Court is inclined to grant anticipatory bail to the second and fourth petitioners with certain conditions.

6.Accordingly, the second and fourth 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 of receipt of a copy of this order, before the Judicial Magistrate, Thiruvidadaimarudur, on condition that the second and fourth petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the second and fourth 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 Aadhaar card or bank pass book to ensure their identity.

[b]the second and fourth petitioners shall report before respondent police daily at 05.00 p.m., until further orders.

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

[d]the second and fourth 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 second and fourth petitioners, in accordance with law, as if the conditions have been imposed and the second and fourth 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.

<https://www.courtsofjudicature.org/judicial-orders> Kerala [(2005)AIR SCW 5560].



[f]if the accused / second and fourth petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, the criminal original petition is partly allowed.

sd/-
18/05/2023

/ TRUE COPY /

/05/2023

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

ssb

TO

1.THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
THIRUPPANANDHAL POLICE STATION,
THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.HITESH KUMAR, Advocate (SR-7522[I] dated
18/05/2023)

ORDER
IN
CRL OP(MD) No.9096 of 2023
Date :18/05/2023

RK/SAR-(25/05/2023) 3P/6C