



WEB COPY

CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10290 of 2023

1. Karuppusamy
2. Muthulakshmi
3. Karuppaiaya
4. Ramachandran
5. Malaisamy
6. Vellaiyan
7. Murugan
8. Tharmadurai@tharmadurai
9. Shanmugavel
S/o.Kalimuthu
10. Shanmugavel
S/o.Veerapathiran

... Petitioners/
Accused No.4,5,10,11,13,15,16,18-20

Vs

The State rep.by,
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.99 of 2023)

... Respondent/Complainant

For Petitioners: M/s.Senthil Murugan C,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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

PRAYER :-

For Anticipatory Bail in Crime No.99 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused No.4,5,10,11,13,15,16, 18-20, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 & 506(i) of IPC and Section 4 of TNPHW Act, in Cr.No.99 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties in respect of worshipping in the temple, the petitioners along with other accused said to have abused the defacto complainant in filthy language and also attacked her with stick and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused persons attacked the defacto complainant and caused injuries. He would further submit that the injured was discharged from the hospital.

5.Considering the fact that there existed previous enmity between the parties and also the facts that the injured was discharged from the hospital and that except the offence under Section 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6. Accordingly, 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, Kamuthi, 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 am for a period of one month 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/06/2023

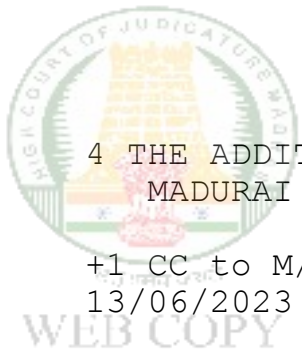
/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. THE JUDICIAL MAGISTRATE,
KAMUTHI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT



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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-8603[I] dated
13/06/2023)

ORDER

IN

CRL OP(MD) No.10290 of 2023

Date :13/06/2023

RK/BUC SAR- (23/06/2023) 4P/6C