



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2023

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.11642 and 11678 of 2023

1. Hari @ Muthupandi,
2. M.Vanaraja,
3. P.Ramaraj,
4. A.Thangapandi,

... Petitioners/A3,A5,A6,A7 in Crl.O.P
(MD) No.11642 of 2023

Sundaramoorthi,

... Petitioner/Accused 4 in Crl.O.P(MD)
No.11678 of 2023

Vs

The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Cr.No.119/2023.

... Respondent/Complainant in both
petitions

(In both petitions)

For Petitioners : M/s.Muthukamatchi.V,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

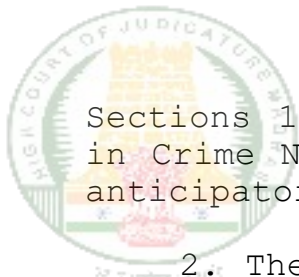
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 119/2023 on the file of the
Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A3,5,6,7 and 4 who apprehend arrest at the
hands of the respondent police for the offences punishable under



Sections 143, 147, 148, 188, 294(b), 323, 341, 353 and 506(ii) in Crime No.119 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.06.2023 at about 7.15 pm., due to Sellayeeamman temple festival the village people conducted adal padal program in the petitioners village and the respondent not permitted them to conduct the program, inspite of that the village people have conducted the program. Thereafter the defacto complainant interfered and stopped the program, for which the petitioners along with other accused attacked the defacto complainant with wooden log and abused him in filthy language and also threatened with dire consequences, hence the case came to be regisetered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the respondent had already granted permission for conducting adal padal program and before commencement of the program they suddenly informed that the permission already granted was recalled and no such incident had occurred as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that when recall of the order was informed to the committee they have attacked the police and even according to the case of prosecution no one sustained injuries in the said incident. He would further submit that the first petitioner is having three previous cases.

5. Considering the fact that no one sustained injuries in the said occurrence and that except the offence 506(ii) of IPC, all other offences are bailable in nature, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the Inspector of Police, Thirumangalam police station daily at 10.30 a.m., until further



(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1. The Judicial Magistrate, Peraiyur
2. do through The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Peraiyur Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-9840[I] dated 28/06/2023)

ORDER
IN
CRL OP(MD) No.11642&11678
of 2023
Date :28/06/2023

DL/ (03.07.2023) / 3P/ 6C

<https://www.mhc.tn.gov.in/judis>