



CRL OP(MD). No.15852 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Kannankumar,
2. Achu @ Premkumar

... PETITIONERS NO.1 & 2/ ACCUSED NO.2 & 4

3. C.Vanangamudi,
4. P.Intharuvi,
5. Satham Hussain

... Petitioners No.3 to 5/ Accused (Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
Crime No. 100/2023.

... Respondent

For Petitioner : M/s Thalaimutharasu.G, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.100 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



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The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109,147,148,153A,294(b),307,506(2) of IPC and Section 3 of TNPPDL Act in Crime No.100 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners herein waylaid the defacto complainant abused him, assaulted him, damaged the properties and also threatened with dire consequences, hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that no one sustained injuries in the said occurrence, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there was a communal clash between two groups and law and order situation prevailing in that area and police picketing is also going on. He would further submit that the accused persons also caused damage to some properties worth about Rs.1,50,000/- He would further submit that it is a case and case in counter and the injured has been discharged from the hospital. He would further submit that some of the petitioners are having previous cases, hence he objected to grant anticipatory bail to the petitioners. He would fairly concede that the co- accused in this case were granted bail by this Court.



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5. Heard both side and perused the materials available on record.

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6. Considering the rival submissions on either side and considering the fact that injured has been discharged from the hospital and also the fact that it is a case and case in counter and also considering the fact that co-accused were granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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 No.I, Srivilliputhur 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 condition that:

[a] the petitioners shall report before the learned Judicial Magistrate, Melur on all working day at 10.30 am., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with



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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].

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

8. The learned Additional Public Prosecutor represented that since the property is damaged to the tune of Rs.1,50,000/-, the petitioners may be directed to deposit the said amount.

9. So far as deposit of amount is concerned at this stage this Court cannot pass orders to deposit the amount since it will affect the trial.

sd/-
31/08/2023

/ TRUE COPY /

/09/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.



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3 THE INSPECTOR OF POLICE, KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-13119[I] dated 01/09/2023)

ORDER

IN

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Date :31/08/2023

RS/VR/SAR-(04.09.2023) 5P 8C

Madurai Bench of Madras High Court is issuing
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