



CRL OP(MD)No.18110 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18110 of 2023

1.Anumanthu

2.Muthal @ Muthalu

3.Kumar

4.Suresh

... Petitioners/ Accused No.1 to 4

Vs

The State rep. by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.64 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.I.Suthakaran, Advocate

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

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



CRL OP(MD)No.18110 of 2023

PRAYER :-

WEB COPY

For Anticipatory Bail in Crime No.64 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 offences punishable under Sections 294(b), 323, 324, 506(ii) IPC in Crime No.64 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners prevented the defacto complainant from doing cleaning work and picked up quarrel with him. They also abused the complainant in filthy language and also attacked with aruval and caused injuries. Hence the case.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the injured person has been discharged from the hospital



CRL OP(MD)No.18110 of 2023

and there is no previous case pending as against the petitioners.

WEB COPY

5. On perusal of the FIR, it is noticed that due to civil dispute, the petitioners attacked the defacto complainant with aruval. However, now the injured person has been discharged from the hospital and it is also noticed that there is no previous case pending as against the petitioners.

6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Virudhunagar District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to



CRL OP(MD)No.18110 of 2023

abscond, he can safely be released on his personal bond.

WEB COPY

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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 District Munsif cum Judicial Magistrate, Thiruchuli on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a]the petitioners shall report before the trial Court appears on summons.

[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.



CRL OP(MD)No.18110 of 2023

WEB COPY

[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].

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

sd/-
11/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

- 1.The District Munsif cum Judicial Magistrate,
Thiruchuli.
2. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.



CRL OP(MD)No.18110 of 2023

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

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-15019[I] dated 11/10/2023)

ORDER
IN
CRL OP(MD) No.18110 of 2023
Date :11/10/2023

SSA/DD/19.10.2023/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023