



CRL OP(MD). No.19343 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

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1.Rajendran
2.Ramesh @ Ramesh Kannan
3.Arunjunai Selvamani

... Petitioners/ Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.276 of 2023)

... Respondent/Complainant

For Petitioners : Mr.R.Ilayaraja, 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.276 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3 who apprehend arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 341, 294(b), 323 and 506(i) of I.P.C. in Crime No.276 of 2023 on the file of the respondent police, seeks pre-arrest bail.

2. The case of the prosecution is that since the defacto complainant informed about the illegal sand mining to the officials, on 22.10.2023, at about 07.00 am, when the defacto complainant was proceeding in a two wheeler near Koviloor Seed Farm, the petitioners intercepted, pushed him down, attacked him and threatened him with dire consequences. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are law abiding citizens and have permanent residence at Virudhunagar District and therefore, there is no possibility for absconding. He further submitted that this is a case in counter case and accordingly, he sought for an order of pre-arrest bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that respondent Police registered a counter case against the defacto complainant. He further submitted that the investigation is not yet completed in this Crime Number. At this stage of incompleteness of investigation, if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the materials available on record.

6. Considering the nature of injury allegedly caused by the petitioners to the defacto complainant, considering the fact that except offence punishable under Section 506(i), all other offences are bailable in nature, that the petitioners and the defacto complainant are living in the same village and also the fact that the petitioners have permanent residences and hence, there is no possibility for absconding, this Court is inclined to grant pre-arrest bail to the petitioners, subject to the following conditions:

(i) Pre-arrest bail is granted to the petitioners.



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(ii) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate, Rajapalayam, Virudhunagar within 15 days from today, on them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Rajapalayam, Virudhunagar.

(iii) The petitioners shall appear and sign before the respondent police daily at 10 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioners shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioners shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii) If the petitioners abscond, a fresh FIR shall be registered under Section 229A of IPC.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in



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accordance with law as if the aforementioned conditions are imposed by themselves

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as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283]**.

sd/-
26/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

- 1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SEITHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-15624[I] dated 27/10/2023)

ORDER

IN

CRL OP(MD) No.19343 of 2023

Date :26/10/2023

SS/VRS/SAR- /06/11/2023/5P/6C

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