



CRL OP(MD) No.1706 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1706 of 2024

KARUPPASAMY @ KARUPPASMAY (KARUPPU) ... Petitioner / Accused No.6

Vs

THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMNATHAPURAM DISTRICT.
(CRIME NO.35 OF 2024.)

... Respondent / Complainant

For Petitioner : M/s.G.Vishnuram, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.35 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 147, 341, 294(b), 324, 307 and 506(ii) of IPC in
Crime No.35 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that the defacto complainant and the first accused are friends. The first accused was imprisoned and came out on bail. On 29.01.2024 the defacto complainant asked about his arrival from the jail, at that time, this petitioner and the other accused persons said to have unlawfully assembled and assaulted the defacto complainant with stones and threatened him with dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. In fact, the petitioner rescued the defacto complainant from the other accused persons. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that there is no previous case pending against the petitioner and the injured is discharged from the hospital. However, the petitioner assaulted the defacto complainant along with other accused persons. Hence, he objected to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner and the injured is discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner. However, the other accused persons shall not take advantage of this



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order, since previous cases are pending against them.

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6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(d)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 law as if the conditions have been imposed and the petitioner 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;

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

sd/-
05/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate,
Kamuthi.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.



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3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

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

ORDER
IN
CRL OP(MD) No.1706 of 2024
Date :05/02/2024

ED/ GS /SAR- (08/02/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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