



CRL OP(MD) No.2035 of 2024

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 SARAVANAN

2 KUMARAVADIVEL

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

3 MARIMUTHU

... PETITIONER NO.3/ ACCUSED NO.4

4 AARUMUGAM

5 KARTHIKEYAN

6 UTHAYAKUMAR

7 ARUN KUMAR

8 PRABHAKARAN

... PETITIONERS NO.4 TO 8/ ACCUSED NO.6 TO 10

Vs

THE INSPECTOR OF POLICE

ERIYODU POLICE STATION

DINDIGUL,

CRIME NO.20/2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.C.EZHILARASU, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.20/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

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



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The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 3 of TNPPDL Act, r/w. Section 4 of TNPHW Act, Crime No.20 of 2024, seek anticipatory bail.

2.The case of the prosecution is that one Vijayakumar and Siva took photographs when the ladies attending their natural call and when the same was questioned by the defacto complainant's wife, there was communal clash between the petitioner's group and the defacto complainant's group. It is alleged that the petitioners attacked the defacto complainant and one Soundarya with wooden log, thereby, they were admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution. The petitioners and the defacto complainant belong to two different communities. In order to implicate the petitioners in this case, the criminal case has been foisted against them. Further he would submit that the accused No.5 was already granted anticipatory bail by the concerned trial Court, vide order dated 31.01.2024. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that due to law and order problem in the locality of petitioners and the defacto complainant, Police



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picketing was ordered. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused was already granted anticipatory bail by the concerned trial Court, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Additional District Munsif Cum Judicial Magistrate, Veda sandur, 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 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 petitioners 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;



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(c)the petitioners shall stay away from the occurrence place and they must stay at Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, Sivagangai, daily at 10.00 a.m., and 6.00 p.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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;

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

sd/-

09/02/2024

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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



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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, ERIYODU POLICE STATION
DINDIGUL.

4 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.LAVANYA, Advocate (SR-1679[I] dated 09/02/2024)

ORDER

IN

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Date :09/02/2024

RS/JGB/SAR-(16.02.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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