



CRL OP(MD). No.7494 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7494 of 2024

1. S.Muniasamy
2. J.Pethaiah
3. Krishnasami
4. Kamatchi
5. Paramasivam

... Petitioners/ Accused No.1 to 5

Vs

The Sub Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.27 of 2024)

... Respondent/Complainant

For Petitioners : M/s.R.Saravanakumar, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.27 of 2024 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), 341, 323, 379 and 506(i) IPC, in Crime No.27 of 2024 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD). No.7494 of 2024

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2. The case of the prosecution is that due to pongal festival, there was quarrel between two communities, the petitioners abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is still pending. It is a case in counter. On the complaint lodged by the first petitioner, a case in Crime No.26 of 2024 was registered against the defacto complainant.

5. Taking into consideration the facts and circumstances of the case and also the facts that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioner 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 conditions that:



CRL OP(MD). No.7494 of 2024

WEB COPY

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[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 are 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 229-A IPC.

sd/-
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/05/2024

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



CRL OP(MD). No.7494 of 2024

TO

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1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

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

3 THE SUB INSPECTOR OF POLICE, RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.SARAVANA KUMAR, Advocate (SR-5687[I] dated 23/05/2024)

ORDER

IN

CRL OP(MD) No.7494 of 2024

Date :22/05/2024

RS/VR/SAR-(23.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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