



CRL OP(MD). No.7525 of 2024

WEB COPY

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.7525 of 2024

1.Vijikumar @ Vijayakumar
2.Ranjithkumar

... Petitioners/ Accused No.2 and 5

Vs

The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(In Crime No.116/2024).

... Respondent/Complainant

For Petitioners : Mr.B.Jeyakumar, Advocate

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.116 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ A2 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 342, 323, 324 and



CRL OP(MD). No.7525 of 2024

307 of IPC in Crime No.116 of 2024 on the file of the respondent police seek bail.

WEB COPY

2. The case of the prosecution is that due to previous enmity on temple festival for erecting the banners, on 12.03.2024 at about 11.50 a.m., the defacto complainant was asked by A1 to come along with him and so, the defacto complainant went along with A1 and A2 to Andiyapuram Road, where A3 to A6 were present. On reaching the place of occurrence, A3 abused the defacto complainant in filthy language and subsequently, A3 to A6 have attacked him with their hands and A1 stabbed the defacto complainant with knife. Hence, the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the false case has been foisted against him. Further, it is a case and counter case and the counter case has been registered in Crime No.115 of 2024 as against the defacto complainant and others for the offence under sections 147, 148, 294(b), 342, 323, 324 and 307 of IPC. He would further submit that co-accused were arrested and released on bail on 10.04.2024 by the concerned Court. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that injured is discharged from the hospital and the co-accused were released on bail by the concerned Court. Hence, he has no objection to allow this petition.



CRL OP(MD). No.7525 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that the injured is discharged from the hospital and co-accused were released on bail by the concerned Court, 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 No.II, Sivakasi, Virudhunagar District, 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 learned Magistrate concerned and on further conditions that:

[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 daily at 10.30 a.m., for a period of two weeks, thereafter, 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.



CRL OP(MD). No.7525 of 2024

WEB COPY

[e]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 is 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/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

- 1.The Judicial Magistrate No.II,
Sivakasi, Virudhunagar District.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.



CRL OP(MD). No.7525 of 2024

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

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-5781[I] dated 24/05/2024)

ORDER
IN
CRL OP(MD) No.7525 of 2024
Date :22/05/2024

ED/ VR /SAR- (28/05/2024) 5P / 6C

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