



Crl.O.P.(MD) No.8035 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

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1.Kaviyarasan
S/o.Palanisamy

2.Vinoth Kumar
S/o.Subramaniam

3.Vijayakumar

4.Palanisamy
S/o.Suppaiya

5.Rajesh Kumar
S/o.Vijayakumar

... Petitioners/Accused No.1 to 5

Vs.

State represented by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.155 of 2024)

... Respondent/Complainant



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For Petitioners : Mr.M.V.Muthusamundeeswaran
For Respondent : Mr.S.S.Madhavan
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.155 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324 and 506(2) of I.P.C., in Crime No.155 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 23.05.2024, when the *de facto* complainant was going to participate in Kumbabishegam held at the petitioners' village, the petitioners restrained the *de facto* complainant's car and abused in filthy language. Hence, the complaint.



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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 and that a false case has been foisted against the petitioners. He would further submit that the *de facto* complainant hit the vehicle of the petitioners in drunken mood. Therefore, there was scuffle between parties. The Headman of the Village pacified them. However, the *de facto* complainant gathered a big crowd with deadly weapons. Therefore, the fourth petitioner lodged a complaint against the *de facto* complainant on 23.05.2024. Therefore, the present counter complaint was given by the *de facto* complainant against the petitioners.

4. The learned counsel for the petitioners would further submit that due to the previous dispute, the *de facto* complainant lodged the complaint. The respondent police, without conducting the enquiry about the cause of action or about the real fact, registered the FIR. Hence, he would seek anticipatory bail to the petitioners.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there was a previous dispute between the parties, in continuation of which, on 23.05.2024, when the *de facto* complainant was going to participate in Kumbabishegam held at the petitioners' village, the said incident has happened.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of their 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, Vadipatti, Madurai 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:



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[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 30 days and 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.

[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].



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[f] If the petitioners thereafter abscond, a fresh FIR
can be registered under Section 229-A of IPC.

(L V G J)

30.05.2024

JEN

TO

- 1.The Judicial Magistrate,
Vadipatti,
Madurai District.
- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

JEN

Order in

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