



CRL OP(MD). No.9688 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Vempulukkal,

2. Karuppayee,

3. Petchiyammal,

... Petitioners/ Accused Nos.7,9&10

Vs

The Inspector of Police,
M.Kallupatti Police Station,
Madurai District,
Crime No.77/2024.

... Respondent/Complainant

For Petitioner : M/s.Senthilkumaraiah.J,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.77/2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners/ A7,A9 & A10 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act and Section 3(1) of TNPPDL Act, in Crime No.77 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners along with other accused are said to have abused the defacto complainant and his relatives in filthy language and attacked them with wooden log and their hands and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter and the injured persons were discharge from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that totally 10



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accused are involved in this case. The petitioners are arrayed as A7, A9 and A10. 4 persons were injured in the above said occurrence and they were also discharged from the hospital. During the pendency of this petition, the second petitioner (A9) was arrested by the respondent police.

5.At this juncture, the learned counsel for the petitioner would submit that he is not pressed the petition insofar as the second petitioner (A9) is concerned and he has also made and endorsement to that effect.

6.In view of the submission and endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed insofar as the second petitioner (A9) is concerned.

7.Insofar as the petitioners 1 & 3 is concerned, considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured persons were discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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8. Accordingly, the petitioners 1 & 3 are ordered to be released on bail in the event of their arrest or 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, Usilampatti, on condition that the petitioners 1 & 3 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 & 3 shall report before the respondent police daily at 10.30 am for a period of one week and thereafter, as and when required for interrogation;

(c) the petitioners 1 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1 & 3 shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 1 & 3 in accordance with law as if the conditions have been imposed and the petitioners 1 & 3 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;

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

sd/-
03/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.II USILAMPATTI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT,

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

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-7311[I] dated 03/07/2024)

ORDER
IN

CRL OP(MD) No.9688 of 2024
Date :03/07/2024

SS/VR/SAR- /09/07/2024/6P/6C

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