



CRL OP(MD). No.9921 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

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

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1. Paraman
2. Veerapandian
3. Chinnakaruppan @ Chinnan
4. Thangaraj
5. Nachiyappan @ Nassi

... Petitioners/ Accused Nos.1 to 3 and 6 & 8

Vs

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

... Respondent/Complainant

For Petitioners : Mr.J.Senthil Kumaraiah, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners/ A1 to A3 and A6 & A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b),



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323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act and Section 3(1) of TNPPDL

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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. Apart from that, the co-accused (A7, A9 & A10) were already released on anticipatory bail by this Court in Crl.OP(MD)No.9688 of 2024 on 03.07.2024. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that totally 10 accused are involved in this case. The petitioners are arrayed as A1 to A3 and A6 & A8. The first petitioner is having 1 previous case. The second petitioner is having 3 previous cases. The third petitioner is having 2 previous cases. The fourth petitioner is having 4 previous cases. However, he fairly conceded that it is a case and case in counter. The injured persons were discharged from the hospital and the co-accused were already released on anticipatory bail by this Court.



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5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured persons were discharged from the hospital and the co-accused were already released on anticipatory bail by this 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 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 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 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 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;

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

sd/-
05/07/2024

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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.

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-7524[I] dated 05/07/2024)



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ORDER

IN

CRL OP(MD) No.9921 of 2024

Date :05/07/2024

RS/JGB/SAR-(16.07.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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