



CRL OP(MD). No.19149 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Bharathi,
2. Muthuraja @ Mohan,
3. Thangeswaran, ... Petitioners/ Accused Nos.1, 11 & 20

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
Crime No 108 of 2024..

... Respondent/Complainant

For Petitioners : Mr.Gurumoorthy S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

<https://www.mhc.tn.gov.in/judis>



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PRAYER:-

For Anticipatory Bail in Crime No. 108 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners / accused Nos.1, 11 & 20, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 191(2), 126(2), 296(b), 125, 132, 195, 121(1), 109 and 351(3) of BNS Act, 2023 in Crime No.108 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Muthukumar was done to death. Hence, tension prevailed in that locality and the accused persons gathered and started raising slogans. All of a sudden, they started pelting stones. As a result of which, one of the Police Officer sustained serious head injury. There are twenty seven named accused and the petitioners have been arrayed as Accused Nos.1, 11 and 20.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely roped in this case and they have nothing to do with the



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alleged offence.

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4. The learned Government Advocate (Criminal side) appearing for the respondent Police submitted that nearly 18 persons were arrested and remanded to judicial custody. He further submitted that the Police Officer sustained serious head injury and he underwent treatment for nearly two weeks. He further submitted that there are five previous cases against the first petitioner (Accused No.1), two previous cases against the second petitioner (Accused No.11) and no previous case against the third petitioner (Accused No.20).

5. Taking into consideration the facts and circumstances of the case and also the manner in which the entire incident had taken place and also of the fact that eighteen persons who were arrested, most of them have been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 District Munsif cum

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Judicial Magistrate, Vathirairuppu, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police every Monday and Friday at 05.30 p.m. until further orders;

[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;

[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

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law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/11/2024

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/11/2024

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

TSG

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VATHIRAIRUPPU,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-13730[I] dated 08/11/2024)

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ORDER
IN
CRL OP(MD) No.19149 of 2024
Date :07/11/2024

RK/GSV (21/11/2024) 6P / 6C

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