



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7353 of 2020

1. Mohanraj

2. Praveen Kumar

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Mayanur Police Station,
Karur District.
(Crime No.353 of 2020).

... Respondent/Complainant

For Petitioners : M/s V.Kannan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.353 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

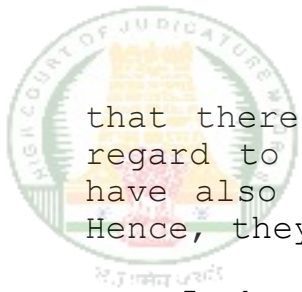
Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 & 506(ii) of I.P.C., in Crime No. 353 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that due to civil dispute between the defacto complainant and the petitioners, both of the parties have attacked each other and sustained injuries.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit

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that there is a civil dispute is pending between the parties with regard to partition. He would further submit that the petitioners have also attacked by the defacto complainant and caused injuries. Hence, they seek anticipatory bail.

5. The learned Additional Public Prosecutor, on instructions, submitted that it is a case in counter and there is a group clash between two groups in the civil dispute. He would further submit that the injured has been discharged from the Hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kulithalai, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police on when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/07/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. The Judicial Magistrate No.II, Kulithalai.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Mayanur Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7353 of 2020

Date :16/07/2020

KSA

SDS/JC/SAR-3/20.07.2020/3P/5C