



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16160 of 2022

1.Murugesan

2.Prabhakaran

3.Sabapathi

... Petitioner/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.227/22).

... Respondent/Complainant

For Petitioners : M/s.K.Seemaraj, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.227/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 to 3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 & 506(i) of IPC in Cr.No.227 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the first petitioner's son namely Sathrapathy was driving a car, he dashed against the son of the defacto complainant. Hence a complaint was given by the defacto complainant against the son of the first



petitioner. On the date of occurrence, the petitioners and other accused, have attacked the defacto complainant with wooden stick and hands and threatened him with dire consequences, to withdraw the Motor Accident case given by the defacto complainant against the first petitioner's son. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are totally six accused in this case. The injured in this case has been discharged from the hospital and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of the offence and also considering the fact that the injured has been discharged from the hospital, 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 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, Melur, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 two weeks 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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 law as if the conditions imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-9768[I] dated 08/09/2022)

ORDER
IN
CRL OP(MD) No.16160 of 2022
Date :07/09/2022

PNN
PKP/VRS/SAR-2/08.09.2022/2P/6C