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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/09/2022

PRESENT

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

**CRL OP(MD) . No.17000 of 2022**

1. Senthil Kumar @ Ramamoorthi
2. S.Vadivel Rajan
3. S.Bharathinagarajan
4. M.Pothiraj

... Petitioners/Accused  
No.1 to 4

Vs

State rep.by  
The Sub Inspector of Police,  
Austinpatti Police Station,  
Madurai District.  
(In Crime No.196/2022).

... Respondent/Complainant

For Petitioners : M/s.Sivaprakash S, Advocate.

For Respondent : Mr.M.Veerandhiran,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.196/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 324, 294(b) and 506(ii) IPC, in Crime No.196 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 17.09.2022 at about 11.30 p.m., the petitioners abused the defacto complainant, for which, a scuffle arose between them. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners and the de-facto complainant are neighbours and there was a business dispute between them, the said occurrence was taken place and both of them were attacked each other. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the the injured was discharged from the hospital and no previous case is pending against them. He would further submit that the investigation in this case is pending and hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already 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 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, Thirumangalam, Madurai District, 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 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 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 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**



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

Sd/-  
23/09/2022

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/10/2022

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

SJI

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 concerned.

TO

1. THE JUDICIAL MAGISTRATE,  
THIRUMANGALAM, MADURAI DISTRICT.
  2. -DO-THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
  3. THE SUB INSPECTOR OF POLICE,  
AUSTINPATTI POLICE STATION,  
MADURAI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SIVAPRAKASH S Advocate SR.No.10567

ORDER  
IN  
CRL OP(MD) No.17000 of 2022  
Date :23/09/2022