



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

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

CRL OP(MD). No.17216 of 2022

1. Sudha
2. Senthilkumar
3. Ramuthai

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Cr No.113/2021..

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Cr No.113/2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) I.P.C, in Crime No.113 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to trivial issue with regard to pathway dispute, on 22.02.2021 at about 07.00PM, there was wordy quarrel between the parties, over which, the accused persons assaulted the defacto complainant's husband with wooden log. They also assaulted the defacto complainant and her son and they also sustained injuries. Hence, the complaint.



3. On the side of petitioners, it is stated that the petitioners are innocent and not committed any offence, as alleged by the prosecution and that the injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.113 of 2021 against the defacto complainant party and the injured was discharged from the hospital. In this case, investigation was completed and charge sheet was also filed before the concerned Court. There is no previous cases pending against the petitioners.

5. Considering the pathway dispute between the parties, that the injured was discharged from the hospital, that the petitioners are not having any previous case at their credit and it is a case in counter and also considering the fact that in this case, charge sheet was also filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Theni, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the lower Court on all hearings without fail;

(c) the petitioners shall not tamper with the 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 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



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

sd/-
27/09/2022

WEB COPY

/ TRUE COPY /

/10/2022

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

PNM

TO

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

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-10576[I] dated
27/09/2022)

ORDER
IN
CRL OP(MD) No.17216 of 2022
Date :27/09/2022

RK/GB/SAR- (07/10/2022) 3P/6C