



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.17244 of 2022

1.N.Moorthy
2.Sumathi
3.Muthukumar
4.Sugumar

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Thiruchirappalli District.
Crime No.241 of 2022.

... Respondent/Complainant

For Petitioners : Mr.K.R.Kishore Ram
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.241 of 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 294 (b), 323 and 506(i) IPC, in Crime No.241 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the parties, on 17.09.2022 at about 18.30 hours, the petitioners assaulted the defacto complainant and abused him in filthy language. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the counter case is pending against the de-facto complainant. Hence, he prays for anticipatory



4.The learned Government Advocate(Crl.Side) would submit at it is a case in counter case and the injured was treated as outpatient. He would further submit that the investigation in this case is still pending and hence, he strongly opposed to grant anticipatory bail.

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5.Considering the facts and circumstances of the case and also considering the fact that the injured was treated as outpatient and it is a case in counter case, 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, Thottiyam, Trichy 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 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 5560]**; and;

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

sd/-

27/09/2022

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/10/2022

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, 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.

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

ORDER
IN
CRL OP(MD) No.17244 of 2022
Date :27/09/2022

SJI
RS/GB/SAR.(07.10.2022) 3P-5C