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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 18/10/2022  
PRESENT

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

CRL OP(MD) . No.18490 of 2022

1. Nadodi
  2. Jothi
  3. Boopathi
  4. Somu @ Somasundari
  5. Vinoth
- ... Petitioners/Accused Nos.1 to 5

**Vs**

The State rep.by  
The Inspector of Police,  
Kottampatti Police Station,  
Melur,  
Madurai District.  
(Crime No.300 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Arun A.V.,  
Advocate.

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

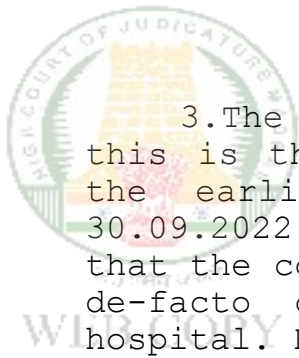
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

**PRAYER :-** For Anticipatory Bail in Crime No.300 of 2022 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 147, 148, 294(b), 324, 355 and 506(ii) IPC r/w 4 of TNPHW Act in Crime No.300 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, the petitioners trespassed into the de-facto complainant's house, abused the de-facto complainant and his mother in filthy language, attacked his mother with iron rod and also threatened the de-facto complainant with dire consequences. Hence the complaint.



3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court, dated 30.09.2022 in Crl.O.P.(MD)No.17466 of 2022. He would further submit that the counter case in crime No.301 of 2022 is pending against the de-facto complainant and the injured was discharged from the hospital. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. Al is having one previous case and other petitioners are having no previous case. The investigation is not yet completed and hence, he strongly opposed to grant anticipatory bail.

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, Melur, 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 5560]**; and;



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

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

**ORDER**

**IN**

CRL OP(MD) No.18490 of 2022  
Date :18/10/2022

SJI  
SA/VR/SAR.2/31.10.2022/3P/5C