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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/10/2022

PRESENT

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

**CRL OP (MD) . No.19047 of 2022**

1. A.Ayyanar
2. A.Arunpandi
3. A.Alagupandi

... Petitioners/Accused  
No.1 to 3

Vs

State rep.by  
The Inspector of Police,  
Silaiman Police Station,  
Madurai District.  
(Crime No.376/22).

... Respondent/Complainant

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

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

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

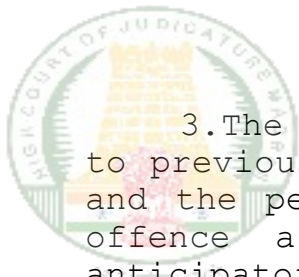
PRAYER :-

For Anticipatory Bail in Crime No.376/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, 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.376 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute between the parties, the petitioners abused the de-facto complainant in filthy language and attacked him with wooden stick and also caused injuries. Hence the complaint.



3.The learned counsel for the petitioners would submit that due to previous enmity, a false case was foisted against the petitioner and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners attacked the defacto complainant with wooden stick and caused injuries. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. He would further submit that the investigation is pending and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioners are not having any bad antecedents, 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 Court No.II, Madurai, 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.

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Sd/-  
27/10/2022

/11/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II,  
MADURAI.
  2. -DO-THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
  3. THE INSPECTOR OF POLICE,  
SILAIMAN POLICE STATION,  
MADURAI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SUDALAIYANDI K Advocate SR.No.11965

ORDER  
IN  
CRL OP(MD) No.19047 of 2022  
Date :27/10/2022

SP/SSS/SAR I/04/11/2022/3P/6C