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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP(MD). No.19374 of 2022

1. Siva @ Sivakumar

2. Sivasankar

3. Muthulakshmi

... Petitioners/Accused 1, 2 & 4

Vs

The State represented by
The Sub Inspector of Police,
Musiri Police Station,
Trichy District.
in Crime No.385/2022.

... Respondent/Complainant

For Petitioners: M/s.Geetha D,
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 Crime No.385/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342, 324 and 506(2) of IPC, in Crime No.385 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the second petitioner and the pani poori selling boy in the weekly market situated at Pappapatti, Musiri. When the same was brought to the knowledge of the defacto complainant, who is the
https://www.mca.gov.in/ the shops in the market, the petitioners and the other



accused joined together and attacked the defacto complainant and caused injury to him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that totally there are 4 accused are involved in this case. The petitioner were arrayed as A1, A2 & A4. The injured was discharge from the hospital and no previous case is pending against the petitioners. But, however, the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and no bad antecedent is reported against the petitioners, 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, Musiri, 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 registered under Section 229-A IPC.

sd/-
02/11/2022

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

DSS

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
MUSIRI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GEETHA D Advocate SR.No.12285

ORDER
IN
CRL OP(MD) No.19374 of 2022
Date :02/11/2022

SS/BUC/SAR IV/14/11/2022/ 3P 6C