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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD) . No.19588 of 2022

1. Selladurai @ Chelladurai,
2. Madhankumar,
3. Manojkumar,
4. Thayalan @ Dhayalan @ Rajasekaran,
5. Ramesh,
6. Abinеш @ Abimanyu,
7. Vetri Selvan,
8. Manimozhidevan, ... Petitioners/Accused No.1 to 8

Vs

State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Cr.No.536/2022.

... Respondent/Complainant

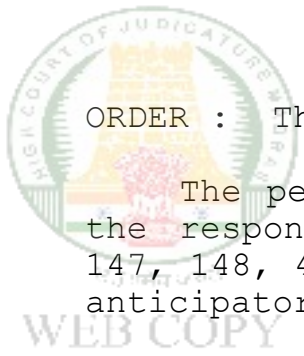
For Petitioners: M/s.Rameshkumar S,Advocate.

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 Crime No.536/2022 on the file of the Respondent police.



ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 324 and 506(ii) of IPC, in Crime No.536 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was previous motive between the petitioners and the brother of the defacto complainant. The petitioners went to the house of the defacto complainant's brother and threatened him to withdraw the case and also attacked him. On hearing his noise, the defacto complainant went to the house and he was also attacked the by the petitioners. 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 it is a case and case in counter. The fourth petitioner lodged a complainant against the defacto complainant and the same was registered in Crime No.535 of 2022. The injured was treated as out patient. Hence, he prays for grant of anticipatory bail to the petitioners.

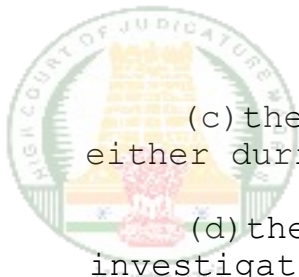
4.The learned Government Advocate(Crl.Side) strongly opposed to grant anticipatory bail to the petitioners on the ground that the petitioners have tried to murder the defacto complainant and also threatened his mother. The investigation is not yet completed. He would submit that it is a case and case in counter and the injured was treated as out patient.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was treated as out patient, 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, Pattukottai, 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 before 11.30 am until further orders.



(c) the petitioners shall not tamper with evidence or 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/-

07/11/2022

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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, PATTUKOTTAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMESH KUMAR, Advocate (SR-12516[I]

ORDER

IN

CRL OP(MD) No.19588 of 2022

Date : 07/11/2022

PKP/VR/SAR-3/17.11.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>