



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19900 of 2022

1. Thangam

2. Rathinam

3. Prakash

... Petitioners/
Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.344 of 2022

... Respondent/Complainant

For Petitioners : M/s.Ragaventhre S,
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.344 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 324 of IPC r/w Section 4 of TNPWH Act, in Crime No.344 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute with regard to fetching water pending between the parties, due to which, a wordy quarrel arose between the defacto complainant and the petitioners. The petitioners abused the defacto complainant in filthy language and assaulted the defacto complainant's father and



3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that due to the aforesaid occurrence, a case in counter has been registered against the defacto complainant in Crime No.345 of 2022. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital and the petitioners are not having any previous case. He would further submit that investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the facts that the injured has already been discharged from the hospital and also the facts that it is a case and case in counter and the petitioners are not having any previous 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 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, Athoor, Dindigul 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:

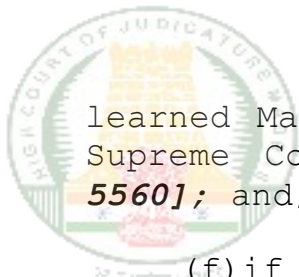
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., 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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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/-
10/11/2022

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/11/2022

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

cp

TO

1.THE JUDICIAL MAGISTRATE, ATHOOR, DINDIGUL DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAGAVENTHRE, Advocate (SR-12775[I] dated
10/11/2022)

ORDER
IN
CRL OP(MD) No.19900 of 2022
Date :10/11/2022

RK/VR/SAR-2 (21/11/2022) 3P/6C