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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP (MD) . No.20295 of 2022

1. D.Saravanakumar
2. Devirani @ S.Babyrani
3. S.Ashokraja
4. S.Karthick Raja
5. T.Jeyaprakash
6. T.Jeyakumar
7. V.Dharmar
8. T.Umarani

... Petitioners/Accused
Nos.1 to 7

Vs

State rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni, Theni District.
(Crime No.331/2022).

... Respondent/Complainant

For Petitioners : M/s.Pinaygash I, 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.331/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 324 and 506(ii) IPC @ 307 IPC and Section 4 of INPHW Act, in Crime No.331 of 2022, seek anticipatory bail.



2.The case of the prosecution is that due to civil dispute, the petitioners attacked the de-facto complainant with wooden log and caused grievous injuries. Hence the complaint.

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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 in CrI.O.P.(MD) No.19204 of 2022, dated 31.10.2022. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and a counter case in Crime No.332 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(CrI.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. He would further submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court in CrI.O.P.(MD) No.19204 of 2022, dated 31.10.2022. However, considering the gravity of the offence, 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 counter case in Crime No.332 of 2022 is pending against the de-facto complainant 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, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two common 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;

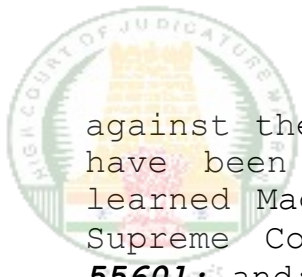
(b)the petitioners shall report before the Inspector of Police, Andipatti Police Station, Theni District, daily at 10.30 am until further orders.

(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;

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

(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/-
17/11/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI, THENI DISTRICT.
4. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.20295 of 2022
Date :17/11/2022