



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21466 of 2022

WEB COPY

1.A.Arumugam
2.M.Dinesh
3.K.Venkatesan

...Petitioners/Accused No.1,3,4

-vs-

State represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(in Cr.No.224 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioners on bail in the event of their arrest or surrender in Cr.No.224 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.M.Maran, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 323, 324 and 506(ii) IPC in Crime No.224 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the previous motive between the petitioners and the de-facto complainant, the petitioners have assaulted the de-facto complainant, due to which, the de-facto complainant sustained injuries. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) would submit that the Petitioners are respectively A1, A3 and A4. He would submit that as far as the first Petitioner is concerned, he has got five previous cases against him.



5. At this juncture, the learned Counsel for the Petitioners submitted that he would not press the petition in respect of the first petitioner and he would press the petition in respect of the second and third Petitioners are concerned. He has also made an endorsement to that effect.

6. Heard the learned Counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Vadipatti**, on condition that the petitioners 2 and 3 shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 and 3 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 2 and 3 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. This Criminal Original Petition is partly allowed.

Sd/-

05/12/2022

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/12/2022

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

cmr

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



TO

1.THE JUDICIAL MAGISTRATE, VADIPATTI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3.THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.21466 of 2022

Date :05/12/2022

RK/VR/SAR-4 (09/12/2022) 3P/5C