



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

PRESENT

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

CRL.O.P (MD) No.21672 of 2022

- 1.Sudha @ Devasudha
2.Packiyam @ Hendry Packiyaraj
3.Baskar @ Soosai Manickam Baskar
4.Nickson Jeeva

... Petitioners/Accused Nos.1 to 4

-vs-

State Rep.By
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Cr.No.158 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 in connection with Cr.No.158 of 2022 on the file of the Respondent Police.

For Petitioners	: Mr.K.V.Rajarajan, 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 294(b), 323, 324, 427 and 506(i) IPC r/w Section 92(a) Right of Persons with Disability Act, 2016 in Crime No.158 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, is that due to a quarrel with regard to fetching of water, the petitioners have abused him and his family members with filthy language and assaulted them with bricks causing injuries. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complainant has been given. He would further submit that on account of civil dispute between the parties, the present complaint has been given. He would further submit that the injured has also been discharged from the hospital.

4.The learned Government Advocate (crl.side) would submit that the due to a quarrel, the petitioners have abused and assaulted the de-facto complainant and his family members. He would also submit that the injured has been discharged from the hospital. He would oppose to grant anticipatory bail.



5. 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 with certain conditions.

6. Accordingly, the petitioners 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 District Munsif - cum - Judicial Magistrate, Aathoor, Dindigul District, on condition that the petitioners 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 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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]**.

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

sd/-

08/12/2022

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/12/2022

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

To

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, AATHOOR,
DINDIGUL DISTRICT.

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

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



CRL.O.P(MD)N



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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-14541[I] dated
08/12/2022)

WEB COPY

ORDER

IN

CRL OP (MD) No.21672 of 2022

Date :08/12/2022

cmr

RS/VR/SAR.1 (20.12.2022) 3P-6C