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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22185 of 2022

1. Anbalagan
2. Thiruganam
3. Ajith @ Vasanth
4. Aravinth
5. Rajakumari

... Petitioners/Accused No.1 to 6

Vs

State Rep.by
The Inspector of Police,
Town East Police Station,
Thanjavur District.
(Crime No.1610/2022).

... Respondent/Complainant

For Petitioners : M/s.Eashwar.T, 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.1610/2022 on the file of the Respondent Police.

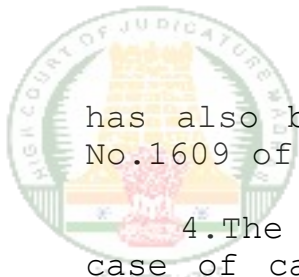
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 147, 148, 323, 324 and 506(ii) IPC in Crime No.1610 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant, is that when he and his family members were return back to their home after worship in the temple, the petitioners herein have unlawfully assembled and attacked them with wooden log and and also abused him in filthy language. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and their names have been falsely implicated in this case. He would further submit that counter case

<https://www.mh.gov.in/jds>



has also been registered against the defacto complainant No.1609 of 2022 and hence, he seeks anticipatory bail.

4.The learned Government Advocate would submit that the it is case of case and counter and the injured was discharged from the hospital. He would further submit that the investigation of the case is pending and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that it is a case of case and counter and that the injured was discharged from hospital, 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 Judicial Magistrate No.I, Thanjavur**, 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 1st petitioner shall report before the respondent police every day twice at 10.30 a.m., and 5.30 pm until further orders and the other petitioners at 10.30 am 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 FII registered under Section 229A IPC.

sd/-
16/12/2022

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/01/2023

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22185 of 2022
Date :16/12/2022

RS/MMS/SAR.1(30.12.2022) 3P-5C