



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

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PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23246 of 2022

1. M.Balu @ Balasubramaniyan

2. M.Murugavel

... Petitioners/Accused A1,A2

Vs

The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.323/2022).

... Respondent/Complainant

For Petitioners: M/s. Senthil Kumar.A,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

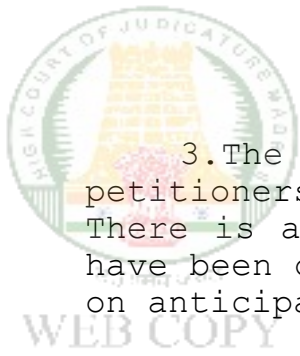
PRAYER :-

For Anticipatory Bail in Crime No.323/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act, 2002, in Crime No.323 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 since she was transferred to Pudukkottai from Thirunarayanamsamy Vedanarayana Perumal Kovil, she asked the petitioners to hand over the accounts to one Manokaran. But the same was not done by the petitioners. Therefore, she questioned them. At that time, they abused the defacto complainant in filthy language and assaulted her. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them. There is a case in counter case. The injured persons in both cases have been discharged from the hospital. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there is a case in counter case. The injured persons in both cases have been discharged from the hospital.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that injured person was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Thottiyam, Trichy 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 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners shall appear before the respondent Police as and when required for interrogation;

(c)the petitioners shall not tamper with the 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



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(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/12/2022

/ TRUE COPY /

29/12/2022

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

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TO

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

ORDER
IN
CRL OP(MD) No.23246 of 2022
Date : 28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/5C