



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

WEB COPY

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

**CRL.O.P(MD)No.215 of 2023**

1. Deepan
2. Mohan Dhoss
3. Mathan Babu

...Petitioners/Accused No.1 to 3

-vs-

State rep.by  
The Inspector of Police,  
Manapparai Police Station,  
Trichy District.  
(in Crime No.2 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.2 of 2023.

For Petitioners : Mr.A.Joel Paul Antony, Advocate

For Respondent : Mr.M.Veeranthiran  
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, 307, 324 and 506(2) IPC in Crime No.2 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that on 01.01.2023 at about 1. p.m near Sugam Hospital, the petitioners waylaid the defacto complainant due to which wordy quarrel arose between them and they attacked the defacto complainant with hands and wooden logs. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the petitioners also filed a complaint and the same was registered in Crime No.3 of 2023 and the petitioners are also taking treatment. Hence, he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.side) would submit that the first and second petitioners are having 4 previous cases of similar nature and no previous case is pending against the third petitioner. He opposes for grant of anticipatory bail to the petitioners.

5. Heard. Perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the third petitioner only with certain conditions. Considering the bad antecedent of the petitioners 1 and 2, this petition with regard to the petitioners 1 and 2 is dismissed.

7. Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Manapparai, Trichy District, on condition that the third petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 third petitioner 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 third petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the third petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the third petitioner 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 third petitioner in accordance with law as if the conditions have been imposed and the third petitioner 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.

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/ TRUE COPY /

Sd/-  
12/01/2023

/01/2023

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

CM

TO

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

+1. CC to M/S.JOEL PAUL ANTONY A Advocate SR.No.870

ORDER  
IN  
CRL OP(MD) No.215 of 2023  
Date :12/01/2023

SP/SSS/SAR III/24/01/2023/3P/6C