



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2023

PRESENT

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

CRL OP(MD). No.887 of 2023

1. M.Rasool @ Rasul,
2. K.Karthick @ Karthickraja,
3. T.Karuthapandi,
4. I.Sathish @ Satees Kumar,
5. P.Naveen Giri @ Naveen Kumar,
6. P.Balamurugan,
7. M.Arun @ Arul Prasath,
8. Baskaran,
9. S.Santhosh @ Santhosekumar,
10. T.Prathap,
11. T.Thanga Tamil Panjaram @ Thangatamilselvan,
... Petitioners/Accused Nos.5 to 15

Vs

The Inspector of Police,
Jayamangalam Police Station,
Theni District
Crime No. 2 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Dinesh.K.,
Advocate.

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



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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 to A15, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323 and 324 of I.P.C., in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the accused have assaulted the defacto complainant with wooden logs and abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false complaint has been given on account a dispute between the villagers belonging to two villages. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that as far as A5, A7, A9, A12 and A13 are having one previous case and A10 is having three previous cases and hence, he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Since the sixth petitioner/A10 is having three previous cases, this Court is not inclined to grant anticipatory bail to the sixth petitioner/A10. Hence, this petition is dismissed in respect of the sixth petitioner/A10 is concerned.

7.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15, with certain conditions:

8.Accordingly, the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 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 Court, Periyakulam, Theni District, on condition that the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with



respondent police or the police officer who intends to arrest 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 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 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 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 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 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 in accordance with law as if the conditions have been imposed and the petitioners 1 to 5 and 7 to 11/A5 to A9 and A11 to A15 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate Court,
Periyakulam, Theni District.

2. Do-Through The Chief Judicial Magistrate,
Theni District.

3. The Inspector of Police,
Jayamangalam Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.DINESH.K. ---, Advocate (SR-767[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.887 of 2023

Date : 12/01/2023

TR/VR/SAR-I (24.01.2023) 4P 6C