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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

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

CRL OP(MD). No.879 of 2023

1. Jenish @ Jenis Kumar,
2. Kani @ Velkani,
3. Lingadhurai,
4. Vicky @ Baleswar Paswan,
5. Esakkimuthu,
6. Raman, ... Petitioners/Accused 1 TO 6

Vs

THE STAE REP BY
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
Crime No.4 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Micheal Heldon Kumar S,
Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 354 and 506(ii) of I.P.C., in Crime No.4 of 2023 on the file of the respondent police, seek anticipatory



2.The case of the prosecution is that due to enmity or ill will on account of keeping banners in a temple festival, the accused have assaulted the de-facto complainant and four persons, resulting in them, sustaining injuries. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them. He would further submit that it is a case and counter and the de-facto complainant party are the aggressors and they have assaulted the petitioners' side and two persons in the petitioners' side have sustained injuries. He would further submit that on the complaint given by the petitioners' side, a case in Crime No.3 of 2023 has been registered against the de-facto complainant party and only as a counter blast, a false complaint has been registered and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to enmity on account of keeping banners in a temple festival, the accused have assaulted the de-facto complainant and four persons are sustaining injuries and hence, he would oppose for grant of anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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, Valliyoor, 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 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, daily at 10.30 a.m., for a period of three weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness or interfere with the ongoing 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/01/2023

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/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Valliyoor.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.879 of 2023
Date :30/01/2023

KB/SAR II(04.02.2023) 3P 5C