



WEB COPY

CRL OP (MD) No.1198 and 1231



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THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

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

CRL OP (MD) No.1198 and 1231 of 2023

1. Pandi

2. Panchavarnam

... Petitioners/Accused 1 & 3
in Cr1.O.P (MD) No.1198 of 2023

3.Kannan

... Petitioner/Accused No.2
in Cr1.O.P (MD) No.1231 of 2023

Vs

The State rep.by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No. 14 of 2023.

... Respondent/Complainant
in both petitions

In both Petitions:

For Petitioner : M/s.Sathish Babu.N,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Cr1.Side)

For Intervenor : Mr.B.Jameel Arasu

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.14 of 2023 on the file of
the respondent Police.

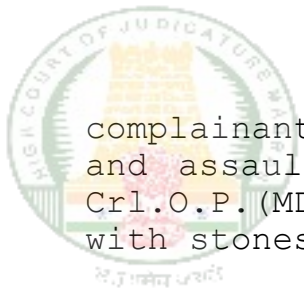
COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 324 and 506(i) of I.P.C., in Crime No.14 of 2023, on the file
of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the

de-facto

<https://www.mhc.tn.gov.in/judis>



complainant, is that due to family dispute, the petitioners abused and assaulted the de-facto complainant and the second accused in Crl.O.P.(MD)No.1231 of 2023 had assaulted the de-facto complainant with stones, resulting in him, 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. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (crl. side) would submit that due to family dispute, the petitioners abused and assaulted the de-facto complainant with stones, resulting in him, sustaining injuries and hence, he would oppose for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that the petitioners are the trouble mongers and unnecessarily harassing the de-facto complainant and other family members. He would further submit that the petitioner in crl.O.P.(MD)No.1231 of 2023 had assaulted the de-facto complainant with stones, resulting in him, sustaining injuries in the left ear and he would object for grant of anticipatory bail.

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

7.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:

8.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, Melur 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 1 and 2/A1 & A3 shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, on every Saturday at 10.30 a.m., until further orders; and the third petitioner/A2 shall report before the Inspector of Police, Natham Police Station, Dindigul daily at 10.30 a.m, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/01/2023

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/02/2023

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

SJI

TO

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

+1. CC to M/S.SATHISH BABU.N Advocate SR.No.978(I)

ORDER

IN

CRL OP (MD) No.1198 of 2023

Date :23/01/2023

VA/BUC/SAR-3/03.02.2023/3P/6C