



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 02/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.2088 of 2023

1. T.Elayaraja

2. T.Kavin @ Kavin Kumar

3. N.Muthukumar ... Petitioners/Accused No.1 to 3

Vs

The State Rep.by  
The Inspector of Police,  
Mayanoor Police Station,  
Mayanoor,  
Karuru, Karur District.  
Crime No. 33 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sakthivel.R,  
Advocate.

For Respondent : Mr.M.Veeranthiran,  
Government Advocate (Crl.Side)

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

PRAYER :-

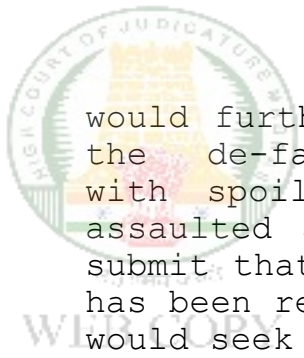
For Anticipatory Bail in Crime No. 33 of 2023 on the file of the respondent Police.

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(2) of I.P.C., in Crime No.33 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to a quarrel during consuming food in a hotel, the petitioners abused and assaulted the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He



would further submit that the petitioners had gone to the of the de-facto complainant for taking food and they were supplied with spoil food and when they questioned the same, they were assaulted and a false complaint has been given. He would further submit that on the petitioners' side, a case in Crime No.34 of 2023 has been registered against the de-facto complainant and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to a quarrel during consuming food in a hotel, the petitioners abused and assaulted the de-facto complainant. The petitioners are having no previous case. However, he would object 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 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, Krishnarayapuram, Karur District, on condition that the 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:

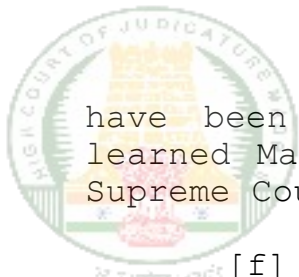
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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. 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.

sd/-

02/02/2023

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

SJI

TO

1. The Judicial Magistrate,  
Krishnarayapuram, Karur District.
  2. Do-Through The Chief Judicial Magistrate,  
Karur District.
  3. The Inspector of Police,  
Mayanoor Police Station,  
Mayanoor,  
Karuru, Karur District.
  4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.SAKTHIVEL, Advocate ( SR-1763[I] dated 03/02/2023 )

ORDER

IN

CRL OP(MD) No.2088 of 2023

Date :02/02/2023

RD/VR/SASR-I(09/02/2023) 3P 6C