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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.1970 of 2023

1. Rajamanikam

2. Sivasakthi

3. Ramkumar

... Petitioners/Accused 1 to 3

Vs

1.The State rep.by,  
Inspector of Police,  
Natham Police Station,  
Natham,  
Dindigul District.  
(Crime No.58/2023).

... Respondent/Complainant

2 Vijayaraj

...Intervene Petitioner/  
Defacto Complainant  
CRL MP(MD)No.1837 of 2023

For Petitioner : M/s.Anandakumar N,  
Advocate.

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

For Intervenor : Mr.S.Arjun, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.58/2023 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), 323, 324 and 506(ii) of I.P.C., in Crime No.58 of 2023 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that due to civil dispute the petitioners abused and 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 and the de-facto complainant are brothers and due to a civil dispute, a false complaint has been given and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to civil dispute, the petitioners abused and assaulted the de-facto complainant with stones, resulting in him, sustaining injuries. The injured has been discharged from the hospital. However, he would object for grant of anticipatory bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that on account of a civil dispute, the petitioners abused and assaulted the de-facto complainant with stones and also threatened him with dire consequences.

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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif Court cum Judicial Magistrate Court, Natham, 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 stay at Madurai and report before the Inspector of Police, Y.Otthakadai Police Station, Madurai, daily at 10.30 a.m. and 05.30 p.m, for a period of two weeks and thereafter, report before the respondent police everyday at 10.30 a.m, until further orders; and it is made clear that the petitioners shall not



enter into the jurisdictional limits of the respondent police a period of two weeks.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/02/2023

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

sjj

TO

1.THE DISTRICT MUNSIF COURT CUM JUDICIAL MAGISTRATE, NATHAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE,  
NATHAM POLICE STATION,  
NATHAM, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO  
THE INSPECTOR OF POLICE,  
Y.OTTHAKADAI POLICE STATION,MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate ( SR-2099[I] dated 09/02/2023 )

ORDER

IN

CRL OP(MD) No.1970 of 2023

Date :08/02/2023