



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

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

CRL OP (MD) . Nos.2093 and 2240 of 2023

1. Alaguraja
2. Kavitha
3. Surya
4. Prabhu
5. Pavithra

... Petitioners/Accused No.1 to 5
in CrI.O.P.(MD)No.2093 of 2023

Vijaya

... Petitioner/Accused No.6
in CrI.O.P.(MD)No.2240 of 2023

Vs

The State rep. by,
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District
(Crime No.96 of 2023)

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Vijayan.S,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side)

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

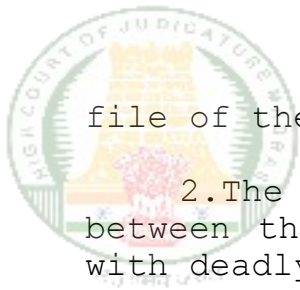
COMMON PRAYER :-

For Anticipatory Bail in Crime No.96 of 2023 on the file of the
respondent police.

COMMON 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, 323, 324 and 506(ii) of I.P.C., in Crime No.96 of 2023, on the

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



file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, the accused attacked the de-facto complainant with deadly weapons. 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 it is a case and case in counter. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on account of wordy quarrel, the accused attacked the de-facto complainant with deadly weapons. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 Court No.VI, Madurai, 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, 3 and 4/A1, A3 & A4 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; and the petitioners 2, 5 and 6/A2, A5 & A6 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 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/-
14/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE COURT NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.BANU PRASATH Advocate SR.No. 2303(I)

ORDER
IN
CRL OP(MD) No.2093 and 2240
of 2023
Date :14/02/2023