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CRL OP(MD).



23

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

Date : 10/02/2023

PRESENT

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

CRL OP(MD) . No.2244 of 2023

1.M.Alagusundaram
2.A.Velvizhi

... Petitioners/Accused Nos 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
Crime No.9 of 2023

... Respondent/Complainant

For Petitioners: Mr.K.Anbumanikandan
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.9 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC and Section 4 of TNPHW Act, in Crime No. 9 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners and other accused abused the de-facto complainant in filthy language and attacked him with dire consequences. Hence, the



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 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 a wordy quarrel, the petitioners and other accused abused the de-facto complainant in filthy language and attacked him with dire consequences. 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 **(*) District Munsif cum Judicial Magistrate at Thirupathur, Sivagangai District**, 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 four weeks and thereafter, on every Saturday 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 SC .

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/02/2023

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(*)Amended as per order of the Court dated 16/03/2023 in CrI.MP (MD).4389/2023 in CrI.OP(MD).2244 of 2023 by GKIJ.

/02/2023

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

SJI

TO

TO BE SUBSTITUED WITH THE ORDER DATED 10/02/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
SIVAGANGAI.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE AT THIRUPATHUR,
SIVAGANGAI DISTRICT

3 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE
KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2244 of 2023

Date :10/02/2023

VA/VS/SAR-4/27.02.2023/3P/5C

VSD

SA/BUC/SAR.4/31.03.2023/3P/6C