



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

Wednesday, the Eighth day of February Two Thousand and Twenty Three

PRESENT

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

CRL.O.P(MD)No.2526 of 2023

1.Vasanth
2.Pravinkumar
3.Jagadeeshkumar

...Petitioners/Accused 1 to 3

-vs-

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(Cr.No.28 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.28 of 2023 on the file of the respondent Police.

For Petitioners : Mr.R.Venkateshwar

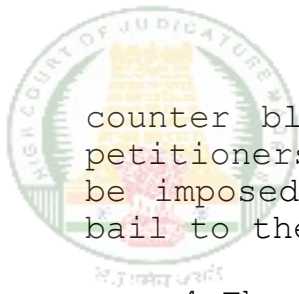
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(ii) IPC in Crime No.28 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that petitioners, who are neighbours of the defacto complainant, have abused with filthy language and assaulted him and criminally intimidated with dire consequences. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons. He would also submit that initially the first petitioner lodged a complaint before the respondent police against the defacto complainant's party and as a



counter blast, the present complaint has been lodged against the petitioners and they are ready to abide by any condition that may be imposed by this Court. He would pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that the petitioners and the defacto complainant are neighbours and on the occurrence day, there was wordy altercation between them and the petitioners abused and criminally intimidated the defacto complainant. He would also submit that injured has been discharged from the hospital. He would oppose to grant anticipatory bail to the petitioners.

5. Heard the learned Counsel. Taking into consideration the facts and circumstances of the case and considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Peravurani, Thanjavur District, on condition that the petitioners shall execute 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 everyday 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]**.



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CRL.O.P(MD)



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

sd/-

08/02/2023

/ TRUE COPY /

/02/2023

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

CM

TO

1. THE JUDICIAL MAGISTRATE, PERAVURANI, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2526 of 2023

Date :08/02/2023

NA/BUC/SAR-I/16.02.2023/3P/5C