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CRL OP(MD).



23

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

Date : 13/02/2023

PRESENT

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

CRL OP(MD) . No.2815 of 2023

1.Vijayakumar
2.Balu

... Petitioners/Accused 5 & 6

Vs

The State rep. by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District
(Crime No.27 of 2023).

... Respondent/Complainant

For Petitioners: Mr.K.Arunraj, 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.27 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 447 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.27 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners and others went to the de-facto complainant's relative's house and attacked them with wooden log. At that time, the de-facto complainant had interfered the same, the petitioners attacked the de-facto complainant and abused him in filthy language and also given life threat to him. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners innocent persons and a false case has been foisted against them. He would submit that co-accused in this case have been granted anticipatory bail by this Court in Crl.O.P.(MD)No.2234 of 2023 by order dated 03.02.2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) would submit that the injured has been treated as inpatient and hence, he would oppose for grant of anticipatory bail.

5. Heard and perused the materials available on record.

6. Reading of the FIR shows that on 13.01.2023, some quarrel arose between two groups of people at the place of condolence in the village, that was pacified and later, the present occurrence said to have taken place. The de-facto complainant's relative one Keerthika was stated to be pregnant at the time of the above said occurrence and she was also assaulted with wooden log and etc.

7.Considering the facts that it is a case of simple injury and the co-accused have been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Veda sandur, Dindigul 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 appear before the respondent police once in a month i.e., on first 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. 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].

sd/-

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

CM

TO

1. The Judicial Magistrate,
Vedasandur, Dindigul District.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.ARUNRAJ.K Advocate SR.No.2449(I)

ORDER

IN

CRL OP(MD) No.2815 of 2023

Date :13/02/2023

VA/BUC/SAR-1/22.02.2023/3P/6C