



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

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

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PRESENT

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

CRL.O.P(MD)No.3056 of 2023

1.Baskaran
2.Chandra
3.Deepa

...Petitioners/Accused Nos.1 to 3

-vs-

The State represented by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Cr.No.53 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.53 of 2023 on the file of the
respondent Police.

For Petitioners : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent Police for the offences punishable under Sections 147,
148, 323, 294(b), 447 and 506(ii) of IPC in Crime No.53 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 due to previous enmity, on 03.02.2023, the accused persons
have abused the de-facto complainant in filthy language and also
criminally intimidated him and hence, the case.

3.The learned Counsel for the petitioners would submit that the
petitioners are innocence and a false complaint has been given. He
would also submit that petitioners have not committed any offence,
and hence, the case.

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petitioners are ready to abide by any stringent conditions, may be imposed on them. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that due to previous enmity, on 03.02.2023, the accused persons have abused the de-facto complainant in filthy language and also criminally intimidated him. He would also submit that the petitioners have no previous case pending against them. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Theni 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. [b] the second and third petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter as and when required on issuance of summons.

[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.

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sd/-
15/02/2023

/ TRUE COPY /

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

CMR

TO

- 1.THE JUDICIAL MAGISTRATE, THENI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PALANICHETTYPATI POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3056 of 2023
Date :15/02/2023

NA/BUC/SAR-4/24.02.2023/3P/5C