



WEB COPY

CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.3153 of 2023

1.Sivakumar

2.Vijay

...Petitioners/Accused Nos.2 and 3

-vs-

The State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Cr.No.32 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.32 of 2023 on the file of the respondent Police.

For Petitioners : Mr.R.L.Dhilipan Pandian,Advocate

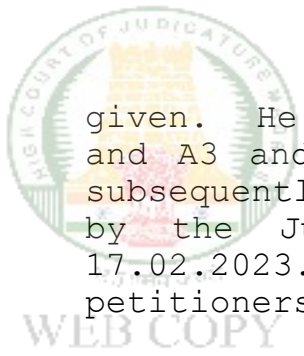
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 326, 352 and 506(ii) IPC in Crime No.32 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Ajithkumar is that due to previous enmity the petitioners along with other accused are said to have abused and assaulted the defacto complainant and at that time the first accused had punched him on face resulting him in loosing two of his teeth and further, they threatened the defacto complainant with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been



given. He would also submit that the petitioners are arrayed A2 and A3 and the first accused in this case has been arrested and subsequently, he has been enlarged on bail in Cr.M.P.No.518 of 2023 by the Judicial Magistrate No.2, Thanjavur vide order dated 17.02.2023. He would seek for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that during occurrence, the defacto complainant lost two of his teeth and the injured has been discharged from the hospital and he would oppose to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 No.II, 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]**.



CRL.O.P(MD)



23

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

sd/-
01/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

CM
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3153 of 2023
Date :01/03/2023

PKP/VR/SAR-3/ (08.03.2023) / 3P/5C