



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

Date : 28/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.3854 of 2023

WEB COPY

1. Prakash

2. Oyyandadevi

... Petitioners/Accused Nos.1&2

Vs

The Sub Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai.

Crime No. 37 of 2023.

... Respondent/Complainant

For Petitioner : M.Nandhini Priyadharshini,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.37 of 2023 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
341, 294(b), 323 and 506(2) of I.P.C., in Crime No.37 of 2023 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute,
the petitioners attacked the de-facto complainant, resulting in him,
sustaining grievous injuries. Hence, the case.

3.The learned counsel for the petitioners would submit that the
petitioners are innocents and a false case has been foisted against
them. Hence, he would oppose for grant of anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the
respondent would submit that on account of family dispute, the
petitioners attacked the de-facto complainant, resulting in him,
sustaining grievous injuries. Hence, he would object for grant of
anticipatory bail.



5. Heard. Perused the materials available on record 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 three weeks from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, 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 SCW 5560].

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

sd/-

28/02/2023

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/03/2023

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

sj i

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI.

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

+1 CC to M/s.M.NANDHINI PRIYADHARSHINI, Advocate (SR-3034[I] dated
28/02/2023)

ORDER

IN

CRL OP(MD) No.3854 of 2023

Date :28/02/2023

RK/BUC/SAR-3(10/03/2023) 3P/6C