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CRL OP(MD).



23

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

Date : 01/03/2023

PRESENT

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

CRL OP(MD) . No.3862 of 2023

1. M.Murugesan

2. Rajeshwari ... Petitioners/Accused NO.1 AND 2

Vs

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

... Respondent/Complainant

For Petitioners : M/s.R.SHANKAR GANESH

For Respondent : Mr.P.Kottai Chamy,
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/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) of I.P.C, in Crime No.27 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that there was a dispute between the parties, in respect of conducting pooja, on 04.02.2023, the accused persons have assaulted the defacto complainant and abused them with filthy language. Hence, the complaint.



3.The learned counsel for the petitioners submit at the defacto complainant is none other than the brother of the first petitioner. The petitioners are innocent and a false case was foisted against them, on the instigation of the respondent Police. Earlier a false complaint was given against the petitioners, over which, the petitioners have also filed a petition before the Human Rights Commission and the same is pending. The earlier FIR pending against the petitioners was also quashed. The respondent Police also antagonized and lodged a false complaint has been foisted against them. Hence, prays to enlarge them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that due to dispute regarding the poojariship the alleged occurrence took place. The accused persons have abused and assaulted the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Nilakottai**, 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the learned Judicial Magistrate No.I, Nilakottai on all working days for a period of two weeks, thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with the 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 [(2019) 13 SCW 5560]**; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NILAKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT

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

+1 CC to M/s.I.SAM JEGAN, Advocate (SR-3271[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.3862 of 2023

Date :01/03/2023

SS/RR/SAR III(08.03.2023) 3P 6C