



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

Date : 06/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4269 of 2023

1. Abishek @ Abishek Perumal
2. Ramaselvam
3. Pattuperumal @ Pattu ... Petitioners/Accused No.2 to 4

Vs

State rep. by,
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(In Crime No.39/2023). ... Respondent/Complainant

For Petitioners : M/s.Mandhiralingeswaran S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

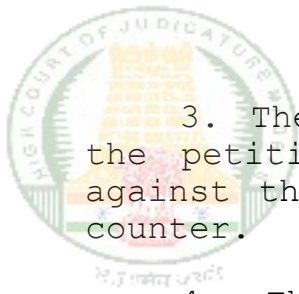
PRAYER :-

For Anticipatory Bail in Crime No.39/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 341, 294(b), 323,324,307 and 506(2) of IPC in crime No.39 of 2023 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners herein along with other accused waylaid the defacto complainant abused the defacto complainant, assaulted him and also threatened him with dire consequences.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that it is a case and case in counter.

4. The learned Additional Public Prosecutor would submit that it is a case and case in counter and the injured person was also discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is case and case in counter and also the fact that the injured was discharged from the hospital, 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 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.II, Srivaikundam 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 stay at Madurai and report before the Tallakulam Police Station daily at 10.30 a.m., and 5.30 p.m., for a period of two weeks and thereafter before the respondent police daily at 10.30 a.m., for a period of one week.

(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]**; and;



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
06/03/2023

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/ TRUE COPY /

/03/2023

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

AAV

TO

1. JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THE TALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-3420[I] dated
06/03/2023)

ORDER
IN
CRL OP(MD) No.4269 of 2023
Date : 06/03/2023

NA/CG/SAR-4/13.03.2023/3P/7C