



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.03.2023

PRESENT
The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.4594 of 2023

1.Arun
2.Gowtham
3.Marikannu ... Petitioners/Accused No.1,2,3
4.Suriyamoorthy ... Petitioners/Rank not Known
Vs.

State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.158 of 2022) ... Respondent/Complainant

For Petitioners : Mr.R.Karunanidhi
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 294(b), 323, 506(i) of IPC, on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute,
there was a wordy quarrel between the petitioners and the defacto
complainant, in which, the petitioners said to have attacked the
defacto complainant with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons and they have not
committed any offence as alleged by the prosecution and they have
not been directly implicated in this case.

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4.The learned Government Advocate (Crl. Side), on instructions, submitted that no one sustained injury.

5.Considering the fact 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aathur, Dindigul District, 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 report before the respondent police daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2023

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/03/2023

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



TO

1.The Judicial Magistrate, Aathur, Dindigul District.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) .No.4594 of 2023

Date : 10.03.2023

NA/BUC/SAR-2/20.03.2023/3P/5C