



WEB COPY

CRL OP(MD).



23

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

Date : 15/03/2023

PRESENT

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

CRL OP(MD) . No.4859 of 2023

1. Subaschandran
2. Karthik

... Petitioners/Accused No.1 & 2

Vs

The State rep. by,
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
Crime No. 60 of 2023.

... Respondent/Complainant

For Petitioner : D.Rameshkumar,
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.60 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 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C. r/w Section 3 of TNPPDL Act, in Crime No.60 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the present complaint has been lodged against the petitioners.



3. Heard. Perused the materials available on record the First Information Report.

4. It is seen from the records that the first petitioner is having one previous case and the second petitioner is having five previous cases. Hence, this Court is not inclined to grant anticipatory bail to the second petitioner and this petition is dismissed in respect of the second petitioner is concerned.

5. Considering the nature of allegation levelled against the first petitioner, this court is inclined to grant anticipatory bail to the first petitioner with certain conditions:

6. Accordingly, the first petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the de-facto complainant directly only) to the de-facto complainant directly without prejudice to his rights and contentions. The first petitioner shall produce the proof of payment to the Magistrate while executing sureties.

7. On producing the proof of the same, the first petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vendasandur, Dindigul District, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 first petitioner 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-
15/03/2023
/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate,
Vedasandur, Dindigul District.
2. Do-Through The Chief Judicial Magistrate,
Dindugul District.
3. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.4859 of 2023
Date : 15/03/2023

NA/BUC/SAR-2/27.03.2023/3P/5C