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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.4887 of 2023

1. M.Thamotharan,
2. Raj,
3. Balakrishnan, ... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.114/2023).

... Respondent/Complainant

For Petitioners : Mr.S.S.Sundarapandian, 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 Cr No.114/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 448,324,294(b) and 506(ii) of IPC in Crime No. 114 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to some wordy quarrel in the death ceremony the petitioners herein abused him in filthy language and attacked him, hence the case.

<https://www.mca.gov.in/>



3. Heard both side and perused the materials available on record including the First Information Report. It is reported that A2 is having three previous cases.

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4. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners A1 and A3 , with certain conditions:

5. Accordingly, the petitioners A1 and A3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Dindigul on condition that the petitioners A1 and A3 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 A1 and A3 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 A1 and A3 shall jointly pay a sum of Rs.30000/- to the defacto complainant directly and on such payment being made the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c] the petitioners A1 and A3 shall report before the respondent Police, daily at 10.30 a.m. and 5.30 pm., until further orders

[d] the petitioners A1 and A3 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners A1 and A3 shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners A1 and A3 in accordance with law as if the conditions have been imposed and the petitioners A1 and A3 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].



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

6. In so far the second petitioner is concerned since he is having three previous cases, this petition stands dismissed as against A2/second petitioner.

sd/-
15/03/2023

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

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
DINDIGUL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-4218[I] dated 15/03/2023

ORDER
IN
CRL OP(MD) No.4887 of 2023
Date :15/03/2023

PKP/BUC/SAR-4/23.03.2023/ **3P/6C**