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Crl.O.P(MD)



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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). Nos.4890 and 4907 of 2023

S.Madasamy

... Petitioner/Accused No.4
in Crl.O.P(MD) No.4890 of 2023

N.Marimuthu

... Petitioner/Accused No.3
in Crl.O.P(MD) No.4907 of 2023

Vs

State Rep.by
The Inspector of Police,
K V Nallur Police Station,
Tenkasi District.
(Crime No.60/2023).

... Respondent/Complainant
in both petitions

IN BOTH PETITIONS

For Petitioners : M/s.Veerapandi P,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.60/2023 on the file of the
respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A4 and A3 who apprehend arrest at the hands of
the respondent police for the offences punishable under sections
448,307,324,294(b) and 506(ii) of IPC in Crime No. 60 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 the tractor of the defacto complainant was found missing two
months before the date of occurrence. Whiles, the defacto
complainant suspected the petitioners hence on 05.03.2023 the



petitioners herein abused him in filthy language and attempted to obtain approval, hence the case

3. Heard both side and perused the materials available on record including the First Information Report.

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4. It is seen that the injured suspected the petitioners as they have stolen the tractor therefore the accused persons went inside the house of the injured and attacked him with deadly weapons, due to which he sustained injuries and later discharged from the hospital, hence this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners 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, Sankarankovil, Tenkasi 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 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 Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall jointly pay a sum of Rs.10000/- 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 shall report before the respondent Police, daily at 10.30 a.m. and 5.30 pm.,, for a period of four weeks and thereafter as and when required for interrogation

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

[e] the petitioners 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 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].



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

sd/-

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TENKASI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, K V NALLUR POLICE STATION,
TENKASI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.VEERAPANDI P, Advocate (SR-4418[I] dated 16/03/2023)

ORDER IN

CRL OP(MD). Nos.4890 and 4907 of 2023

Date :15/03/2023

RS/BUC/SAR-3(23.03.2023) 3P 6C