



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5880 of 2023

1. Sivakumar
2. Jagadeeswari
3. Renganayagi
4. Jeyanthi
5. Pandiyaraj
6. Maheswari
7. Rajamanikkam
8. Subbulakshmi
9. Saraswathi @ Chinna Saraswathi

... Petitioners/
Accused No.1 to 6,9,11 & 13

Vs

The State rep.by,
The Inspector of Police,
Palanichettypatty Police Station,
Theni District.
Cr.No.124/2023.

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandiyan.G,
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.124/2023 on the file of the
Respondent police.

<https://www.mhc.tn.gov.in/judis>



ORDER : The Court made the following order :-

The petitioners/A1 to A6, A9, A11 and A13, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b) and 506(ii) of I.P.C and Section 4 of TNPHW Act, in Crime No.124 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners attacked the de-facto complainant. Hence, the case.

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

(*)"4.It is seen from the FIR that the petitioners 2 to 4, 8 and 9 are not an accused in this case. Hence, this petition is dismissed as against the petitioners 2 to 4, 8 and 9.

5.Taking into consideration the nature of allegations levelled against the petitioners 1,5 and 7, this court is inclined to grant anticipatory bail to the petitioners 1,5 and 7, with certain conditions:

6.Accordingly, the petitioners 1,5 and 7 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, Theni, 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 1,5 and 7 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 1,5 and 7 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 petitioners 1,5 and 7 shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 1,5 and 7 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 1,5 and 7 in accordance with law as if the conditions have been imposed and the petitioners 1,5 and 7 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 abscond, a fresh FIR can be registered under Section 229A IPC."

sd/-

29/03/2023

(*)Amended as per the order of this Court dated 21/04/2023 in CRL OP(MD) No.5880/2023.

Time to execute sureties is extended by two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

/04/2023

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

SJI

TO

To be substituted with the order dated 29/03/2023 already despatched
1.THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE INSPECTOR OF POLICE,
PALANICHETTYPATY POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUPPASAMY PANDIYAN.G, Advocate (SR-5191[I] dated 30/03/2023)

ORDER

IN

CRL OP(MD) No.5880 of 2023

Date :29/03/2023

RK/BUC/SAR-1(18/04/2023) 3P/6C

SS/CG/SAR II/(26/04/2023)4P/6C

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