



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

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PRESENT

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

CRL OP(MD) . No.5881 of 2023

1. Karnamaharaja
2. Marudhupandian
3. Nagaraj S/o.Rasu
4. Nagaraj S/o.Muthaiya
5. Anbalagan

... Petitioners/Accused 1 to 5

Vs

State Rep.by
The Sub Inspector of Police,
Elumalai Police Station
Madurai District
Crime No.39 of 2023.

... Respondent/Complainant

For Petitioners : K.Rajeshwaran,
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.39 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) of I.P.C and Section 4 of TNPWH Act in Crime No.39 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 09.03.2023 at about 06.30 p.m., while the de-facto complainant was sitting in the middle of his village, one Nandhini came to get some water in the house of Raja, the petitioners came to the place and the first petitioner trying to tying up Nandhini and while the de-facto complainant questioned the same, the first petitioner behaved in an illegal manner and scolded the village women in filthy language and



thereafter, attacked the de-facto complainant by using h and threatened him that they would murder him. Hence, the case.

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

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4.Taking into consideration of 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 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 Court No.II, Usilampatti, Madurai 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 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 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].

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

sd/-

29/03/2023

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/04/2023

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

SJI

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI, MADURAI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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3 THE INSPECTOR OF POLICE, ELUMALAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to K.RAJESHWARAN Advocate SR.No.18683[F]

ORDER

IN

CRL OP(MD) No.5881 of 2023

Date :29/03/2023

RS/BUC/SAR-3(17.04.2023) 3P 6C