



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

Date : 25.04.2023

PRESENT

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

CRL OP(MD) . No.7711 of 2023

1.Sathiswaran
2.Athinarayanan
3.Lingadurai
4.Sangareshwaran

... Petitioners / Accused No.1 to 4

Vs

State rep., by
The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.17 of 2023)

... Respondent / Complainant

For Petitioner : Mr.C.Susi Kumar, 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.17/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.17 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant kept the diesel motor near the kanmai adjacent to his agricultural land, after using the same for transporting water in his agricultural land and went to his house. While he return back, came to know that the said motor was not found in that place. On search, it was found that the petitioners along with village people have taken the motor and thereafter, the defacto complainant took the same. Subsequently, the petitioners came to the defacto complainant's house and abused him by using filthy language and also



attacked the defacto complainant and his family members with weapons. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant sustained simple injury.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7. 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, Thiruppavanam, 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 am., 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].



CRL OP(MD).



23

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

sd/-
25/04/2023

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/ TRUE COPY /

/05/2023

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

RMK

To

1.The Judicial Magistrate,
Thiruppavanam.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7711 of 2023

Date :25/04/2023

ED/CG/SAR-4 (04/05/2023) 3P 5C