



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

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8264 of 2023

WEB COPY

1. Rajaprabu
2. Santhanam

... Petitioners/Accused No.1 & 6

Vs

State Rep.by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.101 of 2023.

... Respondent/Complainant

For Petitioners : M/s.N.Balasubramanian,
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 Crime No.101 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A6 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 363, 294(b), 342, 323, 324, 307 and 506(ii) of IPC in Crime No. 101 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 petitioners herein along with other accused quarreled with the defacto complainant abused and assaulted the defacto complainant and threatened with dire consequences, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report. It is reported that four previous cases are pending against the first petitioner.

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 and no previous case is pending against the second petitioner, this court is inclined to grant anticipatory bail to the second petitioner , with certain conditions:



5. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 second petitioner shall pay a sum of Rs.5,000/- directly to the defacto complainant and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] the second petitioner 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.

[c] the second petitioner 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

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

[e] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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. As regards the first petitioner, the petition stands dismissed.

sd/-

28/04/2023

/ TRUE COPY /

/05/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.BALASUBRAMANIAN.N, Advocate (SR-7167[I] dated
03/05/2023)

ORDER

IN

CRL OP(MD) No.8264 of 2023

Date :28/04/2023

RS/CG/SAR-1(04.05.2023) 3P 6C