



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

Date : 04/05/2023

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8513 of 2023

1. Shaji @ Shashi Narayayanan

2. Jainamma ... Petitioners / Accused No.1 & 2

Vs

State rep by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.144 of 2023.)

... Respondent / Complainant

For Petitioners : M/s.Susikumar.C., Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

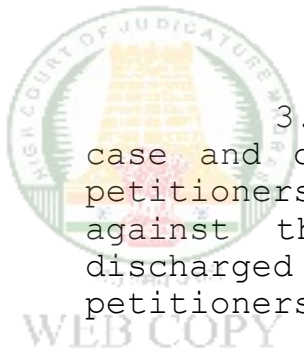
PRAYER :-

For Anticipatory Bail in Crime No.144 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) I.P.C, in Crime No.144 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has admitted his father-in-law in the petitioners' hospital. Though the defacto complainant has paid a sum of Rs.10,000/-, the petitioners have demanded another sum of Rs.25,000/- for the treatment. Due to which, there was a dispute between them and they abused and assaulted the defacto complainant. Hence, the complaint.



3. On the side of petitioners, it is stated that a case and case in counter, based upon the complaint given by the petitioners, a counter case was registered in Crime No.143 of 2023 against the defacto complainant party. The injured has been discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that based upon the complaint given by the petitioners, counter case was registered in Cr.No.143 of 2023 against the defacto complainant party and the injured has been discharged from the hospital. There is no previous cases pending against the petitioners.

5. Considering the nature of dispute between the parties, that the injured has been discharged from the hospital and that the petitioners are not having any previous case at their credit and it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Andipatti, Theni 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 [(2023) 4 SCC 556]; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

PNM

To

1.The Judicial Magistrate,
Andipatti, Theni District.

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

3.The Inspector of Police,
Andipatti Police Station,
Theni District.

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

ORDER

IN

CRL OP(MD) No.8513 of 2023

Date :04/05/2023

ED/VR/SAR-3 (05/05/2023) 3P 5C