



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8525 of 2023

1. Palpandi

2. Vijaya Ananth

3. Devaraj

4. Senthilnathan

5. Bose

6. Pandiyarajan

... Petitioners/Accused 1 to 6

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.142 of 2023.

... Respondent/Complainant

For Petitioners : Mr.J.KARTHIKEYAN, Advocate
for M/s.GANDHI ASSOCIATES,

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.142 of 2023 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1-6, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 147, 294(b), 323, 506(i) I.P.C, in Crime No.142 of 2023,
on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a previous
enmity between the parties, over which, on 11.04.2023, A4 abused one
Ponnusamy in filthy language and assaulted him with hands and A1



tried to assault the defacto complainant with knife and c. ly threatened the defacto complainant and his family members. Hence, the complaint.

3. On the side of petitioners, it is stated that the petitioners are innocent and had not committed any offence, as alleged by the prosecution. The petitioners are not having any previous case at their credit and the injured has already been discharged from the hospital. The fifth petitioner is undergoing treatment in the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that there was a dispute between the parties, in respect of temple festival, due to which, the alleged occurrence took place. The injured has been discharged from the hospital. There is no previous case pending against the petitioners. However, prays to dismiss the petition.

5. Considering the nature of dispute between the parties and considering that the injured was discharged from the hospital and that the petitioners are not having any previous case at their credit, 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, Melur, 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 learned Magistrate concerned and on further conditions that:

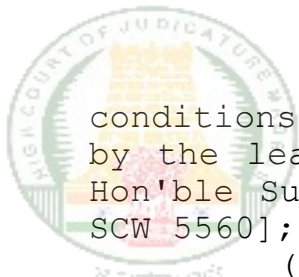
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners 1 to 4 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; Since the fifth petitioner is undergoing treatment, no condition is imposed against him. However, the fifth petitioner shall report before the respondent Police 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 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]; and;

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

sd/-

04/05/2023

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/05/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/s. Gandhi Associates SR.No.7230(I) dt: 08/05/2023

ORDER

IN

CRL OP(MD) No.8525 of 2023

Date :04/05/2023

PKP/MMS/SAR.I/08.05.2023/3P/6C