



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

Date : 05/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8534 of 2023

1. James
2. Kaleeswara Boopathi ... Petitioners/Accused No.2&3

Vs

State rep. by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr.No.103/2023. ... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran
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. 103/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 506(2) of IPC in Cr.No.103 of 2023, seek anticipatory bail.

2.The case of the prosecution is that three unknown persons waylaid the defacto complainant and attacked him with wooden log, a case in Crime No.103 of 2023 has been registered for the offences punishable under Sections 341, 294(b), 324, 506(2) of IPC.

3.On the side of the petitioners, it is stated that the petitioners names were not found in the First Information Report. The first accused has already been granted anticipatory bail by this Court on 07.04.2023 in Crl.O.P.No.7990 of 2023.



4. On the side of the prosecution, it is stated the injured was discharged from the hospital and it is confirmed that this Court has granted an anticipatory bail to the first accused.

5. Considering the facts and circumstances of the case and also taking into consideration of the fact that the injured has already been discharged from the Hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Paramakudi 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 to the Police Officer, who intends to arrest or 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 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 until further orders;
- (c) the petitioners shall not tamper with 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 [(2005) AIR SCW 5560]**; and;
- (f) if the accused thereafter absconds, FIR can be registered under Section 229-A IPC.

sd/-

05/05/2023

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

VRN

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



TO

1. The Judicial Magistrate, Paramakudi.
2. Do through the Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s..CHELLAPANDIAN.M, Advocate (SR-7209[I] dated
05/05/2023)

ORDER

IN

CRL OP(MD) No.8534 of 2023

Date : 05/05/2023

NA/BUC/SAR-3/09.05.2023/3P/6C