



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

Date : 04.05.2023

WEB COPY

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No. 8549 of 2023

1.Mayandi
2.Latha
3.S.Thoondi Thevar
4.K.Rajkumar
5.K.Selvendran

... Petitioners/Accused 1 to 5

Vs.

The state rep. By
the Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.65 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Bairavan
Advocate

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

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

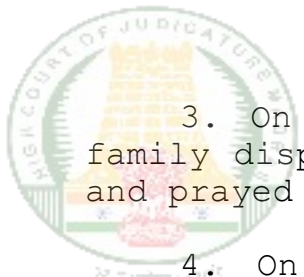
PRAYER :-

For Anticipatory Bail in Crime No.65 of 2023 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offence punishable under Sections 294
(b), 323, 324, 506(ii), 109 IPC and Section 4 of TNPWH Act in Crime
No.65 of 2023, seek anticipatory bail.

2. The allegation against the petitioners is that due to family
dispute the petitioners have attacked the defacto complainant with
iron rod and also abused him in filthy language and threatened him
with dire consequences. A case in Crime No.65 of 2023, was
registered against the petitioners.



3. On the side of the petitioners, it is stated that due to family dispute, a false case was registered against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioners are A1 to A5. It is a case of case and counter and the counter case is pending in Crime No.64 of 2023. The injured was discharged from the hospital. A5 is having 9 previous cases.

5. Considering the nature of the offence and considering the fact that the injured was already discharged from the hospital and that the counter case is pending, this Court is inclined to grant anticipatory bail to the petitioners A1 to A4 with certain conditions.

6. Accordingly, this petition is allowed and the petitioners A1 to A4 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, Vadipatti, Madurai District, on condition that the petitioners A1 to A4 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 A1 to A4 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 A1 to A4 shall report before the respondent police daily at 10.30 am for a period of 4 weeks and thereafter, as and when required;

(c) the petitioners A1 to A4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners A1 to A4 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, a fresh FII be registered under Section 229-A IPC.

Considering the previous cases pending against the 5th petitioner / A5, this Criminal Original Petition is dismissed as against 5th petitioner / A5.

sd/-

04/05/2023

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/05/2023

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

trp

TO

1.The Judicial Magistrate, Vadipatti, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Kadupatti Police Station,
Madurai District.

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

+1 CC to M/s.BAIRAVAN K, Advocate (SR-7181[I] dated 04/05/2023)

ORDER

IN

CRL OP(MD). No. 8549 of 2023

Date : 04.05.2023

NA/BUC/SAR-4/09.05.2023/3P/6C