



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

Date : 11/05/2023

PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CRL OP(MD) . No.8639 of 2023

1. Prabakaran
2. Udayakumar
3. Selva
4. Alagar
5. Ganesan
6. Vasudevan
7. Sugumaran
8. Palaniselvam
9. Akhash
10. Mukil @ Mukilan
11. Kavitha

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
Kallal Police Station
Sivagangai District.
Cr.No.49/2023.

... Respondent/Complainant

P.Balasubramanian

... Petitioner/Intervening Petitioner
/De-facto Complainant

in CRL MP(MD).7415/2023 in CRL OP(MD).8639/2023

For Petitioners : M/s.R.Shankar Ganesh, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
For intervenor : Mr.I.Sabeer Mohamed, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.49/2023 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 offences punishable under sections 147, 448, 294(b), 323 and 379 IPC in Crime No.49 of 2023 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that on 16.01.2023, at 3.00 p.m, due to previous temple dispute, the petitioners have attacked the defacto complainant and his family members with wooden log and also abused him with filthy language and also threatened him with dire consequences. Hence, the complaint.

3.Heard both sides and perused the materials available on record including the First Information Report.

4.The learned counsel for the intervenor submitted that the accused persons stolen the petitioner's elder brother's two sovereign gold Ruthracha Malai and the same was not yet recovered and prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai 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 respondent Police or to 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 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 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

(d)the petitioners shall not abscond either during investigation or trial;

(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 are released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 5560]; and;

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

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sd/-
11/05/2023

/ TRUE COPY /

/05/2023

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

TRP

TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-7294[I] dated
11/05/2023)

ORDER
IN
CRL OP(MD) No.8639 of 2023
Date :11/05/2023

RS/VR/SAR-4 (12.05.2023) 3P 6C