



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8646 of 2023

1. Ajith Kumar,

2. Mahamayee,

... Petitioners/Accused No.1,3

Vs

State Rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Cr.No.158/2023.

... Respondent/Complainant

For Petitioners : M/s.Muniyandi.S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 158/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 341 and 307 of IPC in Crime No.158 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute the accused persons abused the defacto complainant in filthy language, assaulted him with deadly weapons due to which he sustained injuries, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that five previous cases are pending against the second petitioner.



4. Considering the facts and circumstances of the case, so considering the fact that there is no previous case pending against the first petitioner, this court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

5. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Nilakottai on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 first petitioner 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

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

(d) the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner is 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. As regard the second petitioner, the petition stands dismissed.

sd/-
10/05/2023

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/05/2023

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



1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-7236[I] dated 10/05/2023)

ORDER
IN
CRL OP(MD) No.8646 of 2023
Date :10/05/2023

PKP/VR/SAR-4/11.05.2023/ **3P/6C**