



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD) . No.8654 of 2023

1. Arjunan

2. Arasu

3. Siranjeevi

... Petitioners/Accused 1 to 3

Vs

The State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai
District.
Crime No.144/2023..

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi.K.,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.144 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 341, 324 and 506(ii) IPC and Section 4 of TNPHW Act in Crime
No.144 of 2023, on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution is that due to previous enmity
the petitioners said to have waylaid the defacto complainant and
attacked him and also abused him in filthy language. Hence, the
complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a case of case and counter and the petitioners are not having any previous case.

5. Taking into consideration the facts and circumstances of the case and also the fact that it is case of case and counter and that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, 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 Magistrate may obtain a copy of their Aadhaar 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 one month and thereafter, 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 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/05/2023

/ TRUE COPY /

/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

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

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

ORDER

IN

CRL OP (MD) No.8654 of 2023

Date :25/05/2023

SS/VR/SAR IV/29/05/2023/3P/5C