



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

Date : 17/05/2023

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.8885 of 2023

1.Marithai
2.Rajaram

... Petitioner/Accused No.3 & 4

Vs

State rep., by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(In Crime No.150 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public PROsecutor

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

PRAYER :-

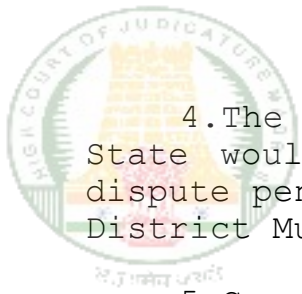
For Anticipatory Bail in Crime No.150 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 307 and 506(ii) of IPC, in Crime No.150 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners along with other accused persons attacked the defacto complainant and thereby, he sustained simple injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that this is the case and case in counter.



4.The learned Additional Public Prosecutor appearing before the State would submit that all are neighbors and there was a civil dispute pending between the parties in O.S.No.121 of 2021 before the District Munsif Court, Sivagiri.

5.Considering the facts and circumstances of the case and also considering the age of the petitioners, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, Tenkasi 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 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 learned 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 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 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

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

rmk

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



To

1.The Judicial Magistrate, Sivagiri,
Tenkasi District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-7476[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.8885 of 2023

Date : 17/05/2023

NA/MMS/SAR-4/18.05.2023/3P/6C