



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

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.8981 of 2023

1. Kalidas @ Kalidass

2. Deepak Kumar

3. Paramanantham

4. Rukmani

5. Senthil @Senthil Kumar ... Petitioners/Accused No.1to5
Vs

The State rep.by,
The Inspector of Police,
PC Patty Police Station,
Theni District.
Crime No.202 of 2023

... Respondent/Complainant

For Petitioner : Mr.Navaneetharaja.K.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 202 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 147, 294(b), 323 and 506(i) of IPC, in Crime No.202 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Secretary of Senai Thalaivar VOC Mandapam in Aranmanaiputhur and the petitioners are the Members. While the defacto complainant submitted the annual accounts, the petitioners quarreled with her, abused her in filthy language and threatened her with dire consequences. 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. Due to previous enmity the defacto complainant and her husband attacked the petitioners, for which, the petitioners have lodged complaint in Crime Nos.204 and 206 of 2023.

4.The learned Government Advocate (Crl.Side) would submit that this is a case in counter case.

5.Considering the facts and circumstances of the case, nature of offence alleged and that this a case in counter case, 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, Theni 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 1 to 3 and 5 shall report before the respondent police on every Wednesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation. The fourth petitioner 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/-
18/05/2023

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/ TRUE COPY /

/05/2023

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

mbi

TO

1. THE JUDICIAL MAGISTRATE, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
PC PATTY POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.NAVANEETHARAJA.K. Advocate SR.No.7672

ORDER
IN
CRL OP(MD) No.8981 of 2023
Date :18/05/2023

RK/VR/SAR-3(26/05/2023) 3P/6C