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CRL OP(MD).



23

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.9069 of 2023

1.Dinesh Kumar

2.Jeeva

3.Vivek @ Vivekraja

4.Pandiyammal

5.Ramayee

... Petitioners/Accused Nos.1 to 4

Vs

State rep.through
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.192 of 2023)

...Respondent/Complainant

For Petitioners: Mr.P.Pandi Durai,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.192 of 2023 on the file of the Respondent Police.e

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), 324, 109 and 506(ii) of IPC, in Crime No.192 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant with regard to fetching of water, due to which, the petitioners abused the defacto complainant, attacked him and also caused injuries. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that they are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that the dispute arose between the parties with regard to fetch of water.

5. Considering the facts and circumstances of the case and also considering the nature of the dispute, 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, Vadipatti, Madurai, 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 every Wednesday at 10.30 am., for a period of eight weeks 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 petitioner 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/-

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

DAS
TO

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

+1 CC to M/s.P.PANDI DURAI, Advocate (SR-7565[I] dated 18/05/2023)

ORDER

IN

CRL OP(MD) No.9069 of 2023

Date :18/05/2023

PKP/BUC/SAR- /23.05.2023/ **3P/6C**