



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.9133 of 2023

1. Indira
2. Thiruppathi
3. Arumugam
4. Aravinth ... Petitioners/Accused 1 to 4

Vs

The Sub Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Cr.No.417/2022

... Respondent/Complainant

For Petitioner : Mr.JEGANATHAN.C,
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.417 of 2022 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 109, 147, 148, 294(b), 323 and 506(ii) of IPC, in Crime No.417 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while the defacto complainant was sitting at Gopalapuram Bus Stand, the fourth petitioner dashed against him with two wheeler at the instigation of the petitioners 1 to 3. When the same was questioned by the defacto complainant, the accused persons abused him in filthy language and threatened him 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.

4.The learned Government Advocate (Crl.Side) would submit that the accused 2 to 4 who are the petitioners 2 to 4 herein are having two previous cases and the first accused has no previous case. He would further submit that the injured has been discharged from the Hospital.

5.Considering the facts and circumstances of the case and that the injured has been discharged from the Hospital, 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 shall report before the respondent police twice in a week i.e., on every Sunday and Tuesday 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 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 DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
PALANICHETTYPATI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9133 of 2023
Date :18/05/2023

SA/25.05.2023/3P/5C