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CRL OP(MD).



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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.9129 of 2023

1. Sekar
2. Thyagarajan
3. Krishnan
4. Silambarasan ... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Palayanoor Police Station, Palayanoor,
Sivagangai District.
(Crime No.25 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Arunraj.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.25 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), 323 and 506(i) of IPC, in Crime No.25 of 2023, seek
anticipatory bail.

2.The case of the prosecution is that there was a dispute
<https://www.mca.gov.in/judis> between the petitioners and the defacto complainant with regard to



the construction of family temple. On 14.05.2023, the petitioner along with others came to the scene of occurrence and scolded the defacto complainant with filthy language and attacked him. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case in counter case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the the investigation is almost completed and the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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, Thiruppuvanam, 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;



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(f)if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

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

ssb

TO

1.THE JUDICIAL MAGISTRATE, THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

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

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-7510[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.9129 of 2023
Date :18/05/2023

RK/CG/SAR-(24/05/2023) 3P/6C