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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice **P.VADAMALAI**

CRL OP(MD) . No.9544 of 2023

1.Vanaraj

2.Gokul @ Gokuleshraj

3.Mothish @ Mothishraj

4.Pandi @ Pandian

... Petitioners/Accused 1 to 4

Vs

The State represented by
The Inspector of Police,
Varusanadu Police Station,
Theni District.
(Crime No.96 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.Malaimaran,
Advocate.

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

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

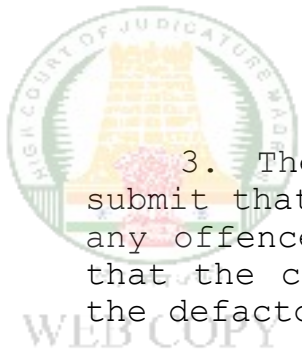
PRAYER :-

For Anticipatory Bail in Crime No.96 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(i) IPC, in Crime No.96 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity on temple issue, on 21.05.2023, the petitioners had attacked the defacto complainant. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the case in counter is pending in Crime No.97 of 2023 against the defacto complainant.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital and there is no previous case registered against the A2 to A4 and against A1, there are three previous cases have been registered. He would further submit that it is a case and counter case.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and it is a case and 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, 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 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 daily at 10.30 a.m., for a period of 30 days 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 are 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/05/2023

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

INDU

TO

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
VARUSANADU POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.K.MALAIMARAN, Advocate (SR-7855[I] dated 25/05/2023)

ORDER

IN

CRL OP(MD) No.9544 of 2023

Date :24/05/2023

SS/CG/SAR II/29/05/2023/3P/6C