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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.9919 of 2023

Wilson

... Petitioner/Intervenor/Defacto complainant

Vs.

1.Thilip @ Thilip Kumar

2.M.Iyyappan

3.M.Chandran

... Respondents/Petitioners/Accused No.1 to 3

4.The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.93 of 2023)

5.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... Respondents/Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the anticipatory bail granted in favour of the respondents 1 to 3/Accused Nos.1 to 3 by the learned Vacation Sessions Judge, Thoothukudi by its order dated 17.05.2023 made in Crl.M.P.No.2840 of 2023.

For Petitioner	: Mr.M.Ajmalkhan Senior Counsel for M/S.Ajmal Associates
For R4 & R5	: Mr.B.Thanga Aravindh, Government Advocate (Crl. Side)
For R1 to R3	: Mr.S.Vishnuvardhan, Advocate

**ORDER**

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This Criminal Original Petition has been filed to cancel the anticipatory bail granted in favour of the respondents 1 to 3/Accused Nos.1 to 3 by the learned Vacation Sessions Judge, Thoothukudi by its order dated 17.05.2023 made in CrI.M.P.No.2840 of 2023.

2.The respondents 1 to 3 are accused persons in Cr.No.93 of 2023, which was registered for the offence under Sections 341, 294(b), 324, 506(ii) IPC. The occurrence was taken place on 23.04.2023. Therefore, the respondents 1 to 3 were approached the Court below for anticipatory bail and the Court below granted anticipatory bail vide order made in CrI.M.P.No.2840 of 2023 dated 17.05.2023, by imposing the following conditions:-

i)That in the event of arrest or on their surrender, the petitioners/A1 to A3 are ordered to be released on anticipatory bail on their executing a bond for Rs.10,000/- each with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi;

ii)that the petitioners/A1 to A3 shall be abide by the conditions stipulated u/s.438(2)(i), (ii) and (iii) of Cr.P.C.;

iii)that the petitioners/Accused shall report and sign before Palayamkottai Police Station, Tirunelveli District daily at 10.00 a.m for a period of one month from the date of their release;



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iv)that the petitioners/A1 to A3 shall surrender before the learned Judicial Magistrate No.III, Thoothukudi within three weeks from the date of this order, failing which, the anticipatory bail granted to the petitioners/accused shall stand dismissed automatically;

v)that on breach of the aforesaid conditions, the learned Judicial Magistrate No.III, Thoothukudi is entitled to take appropriate action against the petitioners/A1 to A3 in accordance with law as if the conditions have been imposed by himself as laid down by The Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala (2005 AIR SCW 5560);

vi)that if the petitioners/A1 to A3 thereafter, abscond, a fresh F.I.R. can be registered against them u/s.229(A) of I.P.C.

3.Though the respondents 1 to 3 surrendered and executed sureties, they failed to report before Palayamkottai Police Station, Tirunelveli. The learned counsel appearing for the respondents 1 to 3 would submit that the respondents 1 to 3 are coolies and dispute is only with regard to the non-payment of wages. After execution of sureties, they have filed modification petition in Cr.M.P.No.4177 of 2023 and it is pending.

4.The learned Senior Counsel appearing for the petitioner produced videograph and it shows, the respondents 1 to 3 have visited the defacto complainant's office wherein the victim prevented them and as such, the accused persons attacked him with wooden-logs.

5.The respondents 1 to 3 are poor coolies and as such, they could not able to go



Palayamkottai, Tirunelveli District. Now, they are ready and willing to report before the fourth respondent police.

6. Considering the facts and circumstances of the case, this Court is not inclined to cancel the anticipatory bail granted to the respondents 1 to 3. However, the respondents 1 to 3 are directed to report before the fourth respondent daily at 10.30 am., and evening at 05.00 pm., for a period of four weeks and thereafter, as and when required. They also directed to file an undertaking affidavit stating that they will not indulged in similar offences in future.

7. In the result, this criminal original petition is dismissed.

sd/-
22/06/2023

/ TRUE COPY /

/08/2023

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

gns
TO

1 THE VACATION SESSIONS JUDGE,
THOOTHUKUDI.

2 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT



5 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.30220(F)

ORDER
IN
CRL OP(MD) No.9919 of 2023
Date :22/06/2023

SS/MMS/02/08/2023/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023