



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.10091 of 2023

1.Saravanan @ Saravanakumar

2.Dhivan @ Dhivankumar

3.G.Poovarasam

4.Kavinkumar ... Petitioners/Accused Nos.1 to 4

Vs

The State Rep.by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.173 of 2023)

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.173 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 379(NP) IPC in Crime No.173 of 2023, seek anticipatory bail.

2.The case of the prosecution is that during temple festival, fire crackers were used and the same was fell on the defacto complainant. Due to the same there was a wordy quarrel arose between the petitioners and the defacto complainant and the petitioner abused the him in filthy language and also attacked him. That apart, 2 ¼ sovereigns of gold chain of the defacto complainant was also found missing. Hence the case.



3. Heard both sides and perused the materials available in the record.

4. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners on condition that they shall file an undertaking affidavit before the Court below stating that they will not involve in similar offence in future. If the petitioners involve in similar offence in future, the respondent police is at liberty to secure the petitioners.

5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (blood sureties) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar 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 three weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with 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].

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

sd/-

09/06/2023

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/06/2023

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



1 THE JUDICIAL MAGISTRATE NO.I
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8442[I] dated 09/06/2023)

ORDER

IN

CRL OP(MD) No.10091 of 2023

Date :09/06/2023

SS/VR/19/06/2023/3P/6C