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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10382 of 2023

1. Gokul

2. Nanthakumar

... Petitioners/Accused No.3 & 4

Vs

The State represented by
The Inspector of Police,
Lalapettai Police Station,
Lalapettai, Karur District.
Cr.No.193/2023.

... Respondent/Complainant

For Petitioner : M/s.Madhu J,
Advocate.

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

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

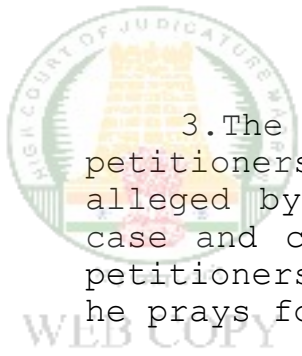
PRAYER :-

For Anticipatory Bail in Crime No. 193/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.193 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 21.05.2023, during the temple festival, there was a wordy quarrel between the petitioners and the defacto complainant. Due to which, the petitioners along with other accused said to have abused the defacto complainant in filthy language and attacked him and also caused injuries. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter, no previous case is pending against the petitioners and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that totally 4 accused are involved in this case. The petitioners herein are arrayed as A3 and A4. He would further submit that the injured was discharged from the hospital, that it is a case and case in counter and that the petitioners are having no previous case.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(i) IPC, all other offences are bailable in nature and also the fact that the petitioners are not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their 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 Court No.I, Kulithalai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month 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]**; and;



(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/06/2023

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
LALAPETTAI POLICE STATION, LALAPETTAI, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.MADHU, Advocate (SR-8608[I] dated 13/06/2023)

ORDER
IN
CRL OP(MD) No.10382 of 2023
Date :13/06/2023

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