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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD) . Nos.10613 and 10614 of 2023

Mathankumar @ Mathan ... Petitioner/A2
in Crl.O.P.(MD)No.10613 of 2023

1. Devasenathipathi @ Senathipathi,

2. Gnanapandiya @ Gnanapandi

3. Thiruppathi @ Surya

4. Andiperakash @ Andiprakash

5. Kabilkannan

6. Meena

7. Sethunachiyar

8. Ponnamaravathi ... Petitioner/A3 to A10
in Crl.O.P.(MD)No.10614 of 2023

Vs

The State Rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.203/2023.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : M/s.Muthu Saravanan C,
Advocate.

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

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



COMMON PRAYER :-

For Anticipatory Bail in Crime No.203/2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(i) and 379 of I.P.C., in Crime No.203 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 06.06.2023 at 06.00 p.m., a meeting was held at Mangulam Village in the presence of the Village Ambalakarar with regard to the assignment of the first privileged Ambalakarar. During the said meeting, the petitioner threatened and subsequently assaulted them. The further allegation is that due to election motive between the parties, A3 attacked the mother of the de-fact complainant and A6 snatched 2 sovereigns of gold chain from the son of the de-facto complainant and two sovereigns of thali chain from the wife of one Chandru and the other accused had threatened them through a Whatsapp call from abroad. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.Taking into consideration of the facts and circumstances of the case and also the fact that it is a case and case in counter case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

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, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 petitioner 1to 6/A2 to A7 shall report before the



respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; and the petitioners 7 to 9/A8 to A10 shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

15/06/2023

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/ 06 /2023

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

SJI

TO

1. The Judicial Magistrate, Melur.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Othakadai Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2. CC to M/S.MUTHU SARAVANAN C Advocate SR.No.28353,28354 (F)
ORDER
IN
CRL OP (MD) . Nos.10613 and
10614 of 2023
Date :15/06/2023

RD/SBN (20/06/2023) 3P 7C

<https://www.mhc.tn.gov.in/judis>