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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2023

PRESENT

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

CRL OP(MD). No.10769 of 2023

1. P. Sellaiah,
Melakottai Karampatty,
Vadugapatty,
Manapparai Taluk,
Trichy District..

2. Vasantha,
Melakottai Karampatty,
Vadugapatty,
Manapparai Taluk,
Trichy District..

3. P. Karuppayi,
Melakottai Karampatty,
Vadugapatty,
Manapparai Taluk,
Trichy District..

... Petitioners/Accused

Vs

The Inspector of Police,
Manapparai Police Station.
Trichy District.
Crime No. 298 of 2023.

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
Advocate.

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

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

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



PRAYER :-

For Anticipatory Bail in Crime No. 298 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) of I.P.C in Crime No. 298 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to previous land dispute the petitioners herein abused and assaulted the defacto complainant and also threatened with dire consequences, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and also the fact that it is a case and case in counter 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, Manapparai, 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 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 first petitioner alone 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

[c] the petitioners shall not tamper with evidence or witness
<https://www.court.gov.in/> 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.

(G K I J)
19.06.2023

AAV

TO

1. The Inspector of Police,
Manapparai Police Station.
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.K.ILANTHIRAIYAN, J

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ORDER
IN
CRL OP (MD) No.10769 of 2023

Date : 19/06/2023

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<https://www.courtsofmadrash.org/> LENIN KUMAR, Advocate (SR-9138[I] dated 20/06/2023)



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