



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.11599 of 2023

1.Kannan
2.Dharman
3.Santhosh @ Santhoshkumar
4.Sabari @ Sabarinathan ... Petitioners/Accused 1 to 4

Vs

The State Rep.by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.196 of 2023) ... Respondent/Complainant

For Petitioners: Mr.P.R.Prithiviraj

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

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

PRAYER :-

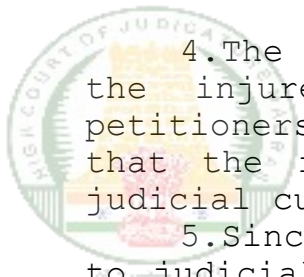
For Anticipatory Bail in Crime No.196 of 2023 on the file of the Respondent Police.

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, 324 and 506(i) IPC, in Crime No.196 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 21.03.2023, at about 01.30 p.m., the petitioners were cleaning the area behind the house of the defacto complainant and when the same was questioned by him, the petitioners abused him in filthy language and assaulted him and also criminally intimidated him. Hence, the case.

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.



4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and that the petitioners 1 and 2 are having one previous. He would further submit that the fourth petitioner was already arrested and remanded to judicial custody.

5.Since the fourth petitioner was already arrested and remanded to judicial custody, the question of granting anticipatory bail to the fourth petitioner does not arise.

6.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital and that the petitioners 1 to 3 are not having any previous case for similar or serious offences, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3 with certain conditions.

7.Accordingly, the petitioners 1 to 3 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, Paramakudi, on condition that the petitioners 1 to 3 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 1 to 3 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 1 to 3 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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.

8.Insofar as the fourth petitioner is concerned, this Criminal Original Petition is dismissed.

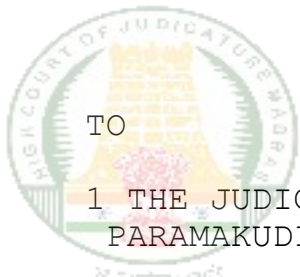
sd/-

28/06/2023

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/07/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION.,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.P.R.Prithiviraj, Advocate SR.No.9809

ORDER

IN

CRL OP(MD) No.11599 of 2023

Date :28/06/2023

MGJ(07.07.2023) 3P 6C