



WEB COPY

CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11624 of 2023

1. Neethi,
2. Mariyaselvam,
3. Maheshwari,

... Petitioners/Accused No.2 to 4

Vs

The Sub Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.
(Crime No.58/2023).

... Respondent/Defacto Complainant

For Petitioners : M/s.V. Muthuvelan,
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.58 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to 4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) in Crime No.58 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners along with other accused abused the defacto complainant in filthy language, assaulted and also threatened with dire consequences, hence the case.

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



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured has been discharged from the hospital and a case and case in counter have been registered, hence he seek bail..

4.The learned Government Advocate(Crl.Side) would submit that there existed previous enmity between the parties for which a case came to be registered in Crime No.58 of 2023 and another case has also been registered in Crime No.57 of 2023 against the defacto complainant party and the investigation is still pending. He would further submit that the first petitioner is having three previous cases.

5.Considering the fact that there existed previous enmity between the parties and also the fact that the injured was already discharged from the hospital and that except the offence 506(ii) of IPC, all other offences are bailable in nature, hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of 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, Sankarankovil 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 learned Magistrate concerned and on further conditions that:

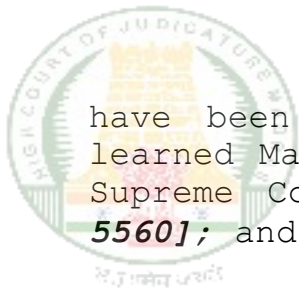
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall 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 the 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. 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/06/2023

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/07/2023

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

AAV

TO

1. The Judicial Magistrate, Sankarankovil
2. do through The Chief Judicial Magistrate,
Tenkasi at Tirunelveli.
3. The Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.11624 of 2023

Date :28/06/2023

DL/ (03.07.2023) / 3P/5C