



CRL OP(MD). No.15696 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15696 of 2023

1.Kothandam,

2.K.Vasu,

3.Bala @ Bala Murugan,

... Petitioners 1 to 3/ Accused Nos.1 to 3

Vs

The State Represented by,
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.301 of 2023)..

... Respondent/ Complainant

K.Rajees

..Intervenor/ Defacto Complainant
in CRL MP(MD)No. 12652 of 2023

For Petitioners : Mr.D.Sivaraman, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

For Intervenor : Mr.P.Senguttuarasan, Advocate

in CRL MP(MD)No. 12652 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.301 of 2023 on the file of the Respondent
Police

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



CRL OP(MD). No.15696 of 2023

WLB COPY
ORDER: The Court made the following order :-

The petitioners/ Accused Nos.1 to 3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 294(b), 323 and 506(ii) of IPC in Crime No.301 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 19.08.2023 at about 00.30 hours, when these defacto complainant was sleeping in his house, the petitioners along with three other persons came to his house and scolded him in filthy language, attacked him with coconut leaf stalk and threatened him with dire consequences. Hence, the complaint

3.The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that they are not present at the place of occurrence. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to enmity on 19.08.2023 at about 00.30 hours, when the defacto complainant was sleeping in his house, these petitioners along with others went to the house of defacto complainant and abused, assaulted and threatened with dire consequences. The injured was discharged from the hospital. He objected to grant anticipatory bail to



CRL OP(MD). No.15696 of 2023

the petitioners.

WEB COPY

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering the fact that injured was discharged from the hospital and also considering that except Section 506(ii) of IPC, all other offences are bailable offence, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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 No.II, Madurai, 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 condition that:

[a] the petitioners shall report before the respondent Police daily at 10.00 am., for a period of 30 days and thereafter as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial

Court is entitled to take appropriate action against the petitioners in accordance



CRL OP(MD). No.15696 of 2023

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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI DISTRICT



CRL OP(MD). No.15696 of 2023

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

1 CC to M/s.D.SIVARAMAN, Advocate (SR-13040[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15696 of 2023
Date :31/08/2023

PKP/VRS/SAR- /07.09.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023