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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15745 of 2023

1. T.Murugan,
2. K.Dinesh Kumar,
3. K.Jeyaprakash,
4. K.Prithiviraj,

... Petitioners/ Accused No.1 to A4

Vs

The State rep. by
The Inspector of Police,
Kariyappatti Police Station,
Virudhunagar District.
Cr.No.174/2023.

... Respondent/ Complainant

For Petitioners : M/s,Thalaimutharasu.G
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 174/2023 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,341,506(i) of IPC in Crime No.174 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute on 21.08.2023 the petitioners herein waylaid the defacto complainant abused,assaulted him and also threatened with dire consequences, hence the case.

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 the injured has been discharged from the hospital, hence he seek anticipatory bail.

4.The learned Additional Public Prosecutor would submit that accused persons said to have abused, assaulted the defacto complainant and also threatened with dire consequences. He would further submit that the injured has been discharged from the hospital, however he objected to grant anticipatory bail to the petitioners on the ground that the first petitioner is having four previous cases.

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

6. Considering the rival submissions on either side and considering the fact that

injured has been discharged from the hospital and also considering the fact there

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exists civil dispute between the parties while surveying the land and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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, Virudhunagar, Virudhunagar District 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 on every Saturday at 10.00 am., for a period of four weeks and thereafter as and when required for interrogation.

[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.



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[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].

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

sd/-
30/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
KARIYAPPATTI POLICE STATION,
VIRUDHUNAGAR
DISTRICT.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12991[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15745 of 2023
Date :30/08/2023

SSA/DD/31.08.2023/5P/6C

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