



CRL OP(MD)No.15763 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.B.Vadivelmurugan

2.Rani

3.T.Vaithiyanathan

4.V.Mohandass

... Petitioners/
Accused Rank Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.508 of 2023)

... Respondent/Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian, Advocate

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

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



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PRAYER :-

For Anticipatory Bail in Crime No.508 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 IPC and Section 4 of TNPHW Act in Crime No.508 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was previous dispute pending between the parties and due to the same, all the accused persons abused the defacto complainant in filthy language and threatened her with dire consequences and also assaulted her. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. In fact, the petitioners also preferred complaint as against the defacto complainant and the same was registered as Cr.No.507 of 2023 and as a counter blast, the present complaint has been given by the defacto complainant. Hence, he prayed for anticipatory bail to the petitioners.



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4.The learned Additional Public Prosecutor would submit that due to previous enmity the accused persons abused, threatened and assaulted the defacto complainant. There is a counter case also pending as against the defacto complainant and the injured person in this case has already been discharged from the hospital.

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

6.Considering the rival submissions on either side and considering the fact that the injured person has been discharged from the hospital and also considering the fact that there is a counter case pending as against the defacto complainant, 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 District Munsif cum Judicial Magistrate Court, Thiruvidadaimaruthur, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two



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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 10.30 a.m., 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.

[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 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].



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[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.

gns

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15763 of 2023
Date :31/08/2023

RK /VRS(11/09/2023) 5P / 5C

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

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