



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.15758 of 2023

1. A.Sugumar,
2. A.Manojprabhu

... Petitioners/ Accused Nos.1 & 2

Vs

The State represented
Through The Inspector of Police,
Tiruvegampet Police Station,
Sivagangai District.
Crime No.79 of 2023.

... Respondent/ Complainant

For Petitioners : M/s.Atham Ali S,
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.79 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),323, and 506(2) of IPC in Crime No.79 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel the petitioners herein along wiht other accused abused the defacto complainant, 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 due to wordy quarrel the petitioners herein along wiht other accused abused the defacto complainant, assaulted him and also threatened with dire consequences. He would further submit that the injured has been discharged from the hospital. He would further submit that three previous cases are pending against the petitioners, hence he objected to grant anticipatory bail to the petitioners.

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 that



except 506(ii) of IPC all other offences are bailable in nature and 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 is made ready, before the learned Judicial Magistrate, Devakottai 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.

[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/-
31/08/2023
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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI
- 3 THE INSPECTOR OF POLICE
TIRUVEGAMPET POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15758 of 2023
Date :31/08/2023

SSA/VR/07.09.2023/4P/5C

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