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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

CRL OP(MD). No.15759 of 2023

1. Sathiskumar,
2. Kanagaraj,
3. Manimegalai @ Megala,
4. Bhuvaneshwari

... Petitioners/ Accused No.1 to 4

Vs

State rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.445 of 2023.

... Respondent/Complainant

For Petitioner : M/s.V.Karuna,
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.445 of 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, 324 and 506(2) of IPC in Crime No.445 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to some dispute regarding collection of temple tax amount the petitioners herein 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 collection of temple tax there was an altercation between the petitioner and the defacto complainant in which the petitioners assaulted the victim and abused in filthy language. He would further submit that the injured has been discharged from the hospital and no previous case is pending against the petitioners, however 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 relationship between the parties 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 No. II, Kulithalai, Karur 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 daily at 10.00 am., until further orders.

[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 NO.II,
KULITHALAI,
KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.V.KARUNA, Advocate (SR-13014[I] dated 31/08/2023)



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ORDER
IN
CRL OP(MD) No.15759 of 2023
Date :31/08/2023

SSA/JGB/08.09.2023/5P/6C

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