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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.15806 of 2023

1. Marimuthu,
2. Lingaraj Lingaraja,
3. Palpandi

... Petitioners/ Accused Nos.1 TO 3

Vs

The State represented by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No. 327 of 2023.

... Respondent/ Complainant

For Petitioners : M/s Jeyaprakash.C,
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. 327 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in
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Crime No.327 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 with other accused waylaid the defacto complainant abused him, 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 was treated as out patient, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that accused persons said to have abused, assaulted the defacto complainant with hands and also threatened with dire consequences. He would further submit that the injured was treated as out patient, however he objected to grant anticipatory bail to the petitioners.

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



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6. Considering the rival submissions on either side and considering the fact that injured was treated as out patient and also considering the nature of offence and also considering the fact except 506(ii) of IPC all other offences are bailable in nature, 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, Srivilliputhur 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 Monday at 10.00 am., for a period of thirty days and thereafter as and when required for interrogation.

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



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[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.

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-13104[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15806 of 2023
Date :31/08/2023

SS/VR/04/09/2023/5P/6C

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