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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.15834 of 2023

1.Rajesh Kumar @ Rajesh

2.Guruvayurappan @ Guru

... Petitioners/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District.
(In Crime No.219 of 2023)

... Respondent/Complainant

For Petitioners : Mr.N.Balasubramanian, 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.219 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

<https://www.madrashighcourt.org/> The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 294(b), 506(i) IPC in Crime No.219 of 2023 on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is running a hotel. On the date of occurrence, the accused persons came in late hours and then, the defacto complainant refused to give food. Therefore, there was some wordy quarrel arose between them. 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. Even according to the case of the prosecution, no one was injured and hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the accused persons demanded food in late hours and the defacto complainant refused to give the same and hence, there was a wordy quarrel arose between them. However, he fairly admitted that no one was injured in the said occurrence.

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 the no one was injured in the alleged occurrence and also considering the fact that except 506(i) of IPC 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, Pattukkottai 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 10.30 a.m., for a period of two 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 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].

[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 JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION ,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-13110[I] dated 01/09/2023)

ORDER

IN

CRL OP(MD) No.15834 of 2023

Date :31/08/2023

SS/JGB/11/09/2023/5P/6C

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