



CRL OP(MD). No.15840 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

CRL OP(MD). No.15840 of 2023

1. Chidambaram
2. Baskar
3. Jayabharathy
4. Ramalingam
5. Rajathambi

... Petitioners / Accused Rank not known

Vs

The Inspector of Police,  
CBCID South,  
Thanjavur,  
Thanjavur District.  
(Crime No.1/2022).

... Respondent / Complainant

For Petitioner : M/s.B.Saravanan, Senior counsel  
for M/s.C.Jeganathan, 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.1/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.15840 of 2023

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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,323,324 and 307 of IPC in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute the petitioners herein along with other accused assaulted the defacto complainant and caused injuries, 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 and the occurrence took place in the year 2010 and now summons have been issued to the petitioners to appear for enquiry, hence apprehending arrest he has filed the present petition seeking anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and initially the case was registered by the Pattukottai Police Station and now transferred to the file of the present respondent. He would further submit that co-accused was released on bail by this Court, 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



CRL OP(MD). No.15840 of 2023

WEB COPY

the injured has been discharged from the hospital and also considering the fact that the occurrence took place in the year 2010 and though the investigation was transferred to some other agency considering the fact that no specific overt act has been attributed as against the petitioners, 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, Thiruvaiyaru 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 the first day of every English Calendar month at 10.00a.m., for a period of three months 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



CRL OP(MD). No.15840 of 2023

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,  
Thiruvaiyaru.

2.Do through the Chief Judicial Magistrate,  
Thanjavur District at Kumbakonam.

3.The Inspector of Police,  
CBCID South,  
Thanjavur, Thanjavur District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.C.JEGANATHAN, Advocate, SR-40957(F), dated 31.08.2023.



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CRL OP(MD). No.15840 of 2023

ORDER

IN

CRL OP(MD) No.15840 of 2023

Date :31/08/2023

ED/JGB/SAR- (01/09/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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