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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15887 of 2023

1.Kulanthaivelu

2.Somasundaram

... Petitioners/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
(In Crime No.156 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.Banumathy, 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.156 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 448, 506(ii) IPC in Crime No.156 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant parked his car in a pathway and hence, the petitioners abused him in filthy language and also threatened him with dire consequences and also attacked him with hands and wooden-log. 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. Therefore, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was dispute between the parties with regard to the parking the car and due to the same, the petitioners assaulted, abused and threatened the defacto complainant. The injured person has already been discharged from the hospital.

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 injured person has already been discharged from the hospital and also considering the fact that except Section 506(ii) 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 Judicial Magistrate Court, Thirupathur, Sivagangai 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 on every Saturday at 10.30 a.m., 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.



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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 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/-
01/09/2023

/ TRUE COPY /

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-13067[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15887 of 2023
Date :01/09/2023

SS/VR/07/09/2023/5P/6C

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