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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.15930 of 2023

1.Vignesh

2.Murugadoss

3.Kavitha

... Petitioners/ Accused 1 - 3

Vs

The State represented by
The Inspector of Police,
Manapparai Police Station,
Manapparai Town & Taluk,
Trichirappalli District.
(Crime No.450 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.K.S.Kathiravan, 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.450 of 2023 on the file of the respondent police



ORDER : The Court made the following order :-

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The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.450 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was property dispute pending between the parties. Due to the same, the petitioners abused the defacto complainant in filthy language and caused injuries to him and also intimidated him. 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. In fact, the petitioners also preferred a complaint as against the defacto complainant and FIR was also registered in Cr.No.449 of 2023 as against the defacto complainant. As a counter blast, the present false complaint has been foisted as against the petitioners. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that due to property dispute, the parties attacked each other and hence, a case and counter case were registered. The injured in this case has already been discharged from the hospital.

5.Mr.Hariharan, learned counsel represented that he is going to file intervening petition and sought for adjournment. However, his request is rejected.



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

7. 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 506(ii) of IPC other offences are bailable in nature and also considering the fact that a counter case is also pending as against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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, Manapparai 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 10.30 a.m., for a period of one month 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/-
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,
MANAPPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
MANAPPARAI TOWN AND TALUK,
TRICHIRAPPALLI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.15930 of 2023
Date :01/09/2023

SS/VR/08/09/2023/5P/5C

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