



CRL OP(MD)No.15941 of 2023

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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

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1.Muthupandi

2.Krishnakumar

3.Mari @ Mariappan

4.Beer Maideen @ Pulikesi

5.Marimuthu

6.Chinnadurai

... Petitioners/ Accused No.1 to 6

Vs

The Inspector of Police,
Thazhaiyuthu Police Station,
Thazhaiyuthu,
Tirunelveli District.
Crime No.256 of 2023

... Respondent/ Complainant

For Petitioners : Mr.N.Vijayalakshmi, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor



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PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.256 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC in Crime No.256 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is already a civil dispute pending between the parties. While being so, on 25.08.2023, at 11.00 am., when the defacto complainant was working in a building, the petitioners were questioned about the same and attacked him with deadly weapons and also scolded him in filthy language. 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 complaint as against the defacto complainant and the same



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was registered as Cr.No.255 of 2023. As a counter blast, the present complaint came to be 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 civil dispute, the parties assaulted each other and injured person in this case has been discharged from the hospital. As far as the petitioners 1, 2, 4 to 6 are concerned, no previous case pending against them. Four similar previous cases are pending as against the third petitioner. Hence, he strongly 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 the injured person has already been discharged from the hospital and also considering the fact that there is civil dispute pending between the parties and a counter case also pending as against the defacto complainant and also considering the fact that except 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:
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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 III, Tirunelveli 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 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.

[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

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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

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

gns

TO

1.THE JUDICIAL MAGISTRATE III,
TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
THAZHAIYUTHU POLICE STATION,
THAZHAIYUTHU,
TIRUNELVELI DISTRICT.



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

+1. CC to M/S.VIJAYALAKSHMI N Advocate SR.No.41207

ORDER
IN
CRL OP(MD) No.15941 of 2023
Date :01/09/2023

RK/VRS (08/09/2023) 6P / 6C

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