



CRL OP(MD). No.17212 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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1. Chandra Kuamr,

2. Selva Myil,

... Petitioners/ A1 & A2

Vs

The Inspector of Police,
Batalagundu Police Station,
Dindigul District.
Crime No.345 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.B.JEYAKUMAR, Advocate.

For Respondent : Mr.R. SURESH KUMAR, Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.345 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The 1st petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323 and

506(i) and Section 4 of TNPHW Act in Crime No.345 of 2023 on the file of the

<https://www.mhc.in.gov.in/judis>



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respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the first petitioner and the defacto complainant are close relatives and that the defacto complainant has given a sum of Rs.5,00,000/- to the first petitioner to purchase his land, later, he failed to sell the same. When the same was questioned by the defacto complainant, there was a wordy quarrel arose between them and that the petitioner has attacked him. Hence the case.

3.The learned counsel for the first petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the second petitioner was already granted anticipatory bail by this Court on 25.09.2023. He would further submit that the first petitioner herein is not having any previous case and the injured was discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the first petitioner is not having any previous case and that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the



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first petitioner, subject to the following conditions:

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6. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Nilakkottai, Dindigul district on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent police on receipt of summons.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st petitioner shall not abscond either during investigation or trial.

[e] 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 law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
05/10/2023

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/10/2023

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

TRP

TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

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



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+1. CC to M/S.JEYAKUMAR B Advocate SR.No.14715

ORDER IN
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Date :05/10/2023

SA/DD/SAR. /12.10.2023/5P/6C

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