



CRL OP(MD). No.17434 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17434 of 2023

Santhosh

... Petitioner/5th Accused

Vs

State Represented by,
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
(Crime No.190 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.190 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/5th Accused who apprehends arrest at the hands of the respondent



CRL OP(MD). No.17434 of 2023

police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506

WEB COPY

(ii) IPC in Crime No.190 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive between the defacto complainant's party and the accused persons, over the complaint given by one Vadamalai against one Saravanan and others, on 03.09.2023 at about 6.00 p.m., when the defacto complainant was standing in front of Mariyamman Temple, the petitioner and other accused were scolded the defacto complainant using filthy language and assaulted and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent. He would further submit that the petitioner and the defacto complainant are adjacent villagers and already dispute exists between them. On that basis, false complaint has been given against the petitioner and others. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the injured has



CRL OP(MD). No.17434 of 2023

been discharged from the hospital and the petitioner is having two previous cases, which are similar in nature. Further, co-accused have been either regular bail or anticipatory bail.

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

6. Considering the submissions on either side and considering that injured is discharged from the hospital and co-accused have been granted bail and except 506 (ii) IPC, all other offences are bailable in nature, this this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the 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, Musiri, 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 petitioner shall report before the respondent Police daily at 10.00 am., for the period of 30 days and thereafter, as and when required for interrogation.



CRL OP(MD). No.17434 of 2023

WEB COPY

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

[c] the petitioner 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 law as if the conditions have been imposed and the petitioner 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/-
29/09/2023
/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU



CRL OP(MD). No.17434 of 2023

WEB COPY
TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-14444[I] dated 29/09/2023)

ORDER
IN

CRL OP(MD) No.17434 of 2023
Date :29/09/2023

SS/DD/05/10/2023/5P/6C

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