



CRL OP(MD). No.17541 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.Samyraj
2.Thirumalaisamy
3.Veluchamy

... Petitioners/ Accused No.1 to 3

Vs

State Rep.by
The Sub Inspector of Police,
Chinna Kovilankulam Police Station,
Tenkasi District.
(Crime No.155 of 2023).

... Respondent/ Complainant

For petitioners : Mr.M.Ananthkumar, Advocate.
For Respondent : Mr.S.Manikandan, Government Advocate (Crl.Side)
For Intervenor : Mr.P.Veerapandi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.155 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii)



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IPC in Crime No.155 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive over the land dispute, on 10.09.2023 at about 7.45 p.m., the petitioners attacked the defacto complainant and others using aruval and stick, scolded them in filthy language and also threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent. He would further submit that the petitioners and the defacto complainant are relatives and are neighbours. Already, the defacto complainant and the petitioners had property dispute. On that basis, the false complaint has been given against the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital. The first accused is having one previous case, which is not in similar nature.

5. The learned counsel representing for the defacto complainant would submit that he has filed the application on behalf of the defacto complainant, but it is not yet numbered. He further submitted that if this Court is inclined to grant anticipatory bail to these petitioners, condition may be imposed upon them to appear before the far away police station.



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

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7. Considering the rival submissions made on either side and considering that injured is discharged from the hospital, except 506(ii) IPC, all other offences are bailable in nature, 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, Sankarankovil, 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 Courtallam Police Station, daily at 10.00 am., for the period of 30 days 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/-
29/09/2023

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
CHINNA KOVILANKULAM POLICE STATION, TENKASI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE
COURTALLAM POLICE STATION, TENKASI DISTRICT.

+1 CC to M/s.M.ANANTHKUMAR, Advocate (SR-14480[I] dated 29/09/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :29/09/2023

RS/DD/SAR-(05.10.2023) 5P 7C

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