



CRL OP(MD). No.17560 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.17560 of 2023

Sudanthiraselvan

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.243 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Saravanan P, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.243 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.243 of 2023 on the file of the respondent



CRL OP(MD). No.17560 of 2023

police, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that on 16.09.2023 at about 5.45 p.m., the accused person intercepted the defacto complainant's sister's husband namely Nagaraj and demanded Rs.500/- for drinking alcohol. When he refused to accede the same, they started assaulting the Nagaraj. When the defacto complainant came to know about the occurrence, he went to the spot and tried to pacify the same. But, the accused persons along with sticks and stones attacked them. They abused them in filthy language and also threatened them with dire consequences. Then the family members went to the occurrence place and rescued them. Hence, the complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against them. The injured person in this case been discharged from the hospital. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the injured person has been discharged from the hospital. There is no previous case pending against the petitioner. However, he opposes the grant of anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side, the injured in this case has



CRL OP(MD). No.17560 of 2023

WEB COPY

been discharged from the hospital, the petitioner is having no previous case and considering the fact that injured was discharged from the hospital, 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, Melur, 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 stay away from the occurrence Village and report before the learned Judicial Magistrate, Melur, daily at 10.00 am., until further orders.

[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



CRL OP(MD). No.17560 of 2023

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

WEB COPY

[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.

TM

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.P.SARAVANAN, Advocate (SR-14399[I] dated 29/09/2023)

ORDER IN
CRL OP(MD) No.17560 of 2023
Date :29/09/2023

RS/MGA/SAR-(05.10.2023) 4P 6C

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