



CRL OP(MD). No.17567 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

CRL OP(MD). No.17567 of 2023

1.G.Sathish

2.Dhinesh

... petitioners/ Accused Nos.1 and 2

Vs

State Represented by,
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.382 of 2023).

... Respondent/Complainant

For petitioners : Mr.R.Senthilkumar,
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.382 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.17567 of 2023

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ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.382 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and one Pradhap entered into quarrel with each other on 18.09.2023, when the Vinayagar idol immersed possession was going on and that was compromised by the defacto complainant. Due to that reason, the petitioners got enmity with the defacto complainant. So, the petitioners attacked the defacto complainant with hands, scolded him in filthy language and ran away from the occurrence place. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any such offences as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital. Further, the first accused is having one previous case in similar nature and the second accused is having no previous case.



CRL OP(MD). No.17567 of 2023

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

6. Considering the 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:

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, Periyakulam, 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 10.00 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.



CRL OP(MD). No.17567 of 2023

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[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 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,
PERIYAKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.



CRL OP(MD). No.17567 of 2023

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-14636[I] dated 04/10/2023)

ORDER
IN
CRL OP(MD) No.17567 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