



CRL OP(MD)No.17608 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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1.Nagajothi

2.Chithan

3.Kandan @ Kandhamoorthy

4.Muthumurugan

... Petitioners/ Accused 1 to 4

Vs

State rep. through
The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
(Crime No.858/2023)

... Respondent/Complainant

For Petitioner : Mr.M.Kannan
Advocate.

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

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



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PRAYER :-
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For Anticipatory Bail in Crime No.858/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 323, 353 and 506(ii) of IPC, in Crime No.858 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 20.09.2023, when the defacto complainant made the contract work of laying roads, the accused persons came and threatened him and asked him to stop the work and thereafter, once again on 23.09.2023, the accused persons tried to prevent the contractor and the defacto complainant from laying the works and filthily abused him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocents persons and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the State would submit that the first accused is having two previous cases, the second accused is having five previous cases and no previous case is pending as against the accused Nos.3 and 4. Hence, the learned Government Advocate strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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 No.IV, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :



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[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the trial Court as and when required for the purpose of interrogation.

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

[d] the petitioners 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 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].



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

sd/-
03/10/2023

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

skn

TO

1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE INSPECTOR OF POLICE,
KOODAL PUDUR POLICE STATION, MADURAI CITY.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-14633[I] dated 04/10/2023)

ORDER IN
CRL OP(MD) No.17608 of 2023
Date :03/10/2023

RK/MGA (06/10/2023) 5P / 6C

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