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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 04.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL.O.P.(MD).No.17621 of 2023

1.Franglin @ Paul Frainglin Raj  
2.Robin  
3.Ponperumal  
4.Sundar  
5.Raj @ Jebaraj  
6.Muthukutty  
7.Sudalaimani  
8.Suresh

... Petitioners/ Accused No. 1 to 8

Vs

State rep. by  
The Inspector of Police,  
Kalakkadu Police Station,  
In Cr.No. 411/2023,  
Tirunelveli District.

... Respondent/ Complainant

For Petitioners : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.R.Suresh Kumar  
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.411 of 2023 on the file of the Respondent Police.

<https://www.mhc.tn.gov.in/judis>



ORDER : The Court made the following order :-

The petitioners/ A1 to A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 352 and 506(ii) IPC in Crime No.411 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the accused persons have abused the de-facto complainant in filthy language and assaulted the de-facto complainant and his friend with hands and criminally intimidated them. Hence the case.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that subsequent to the registration of FIR, A2 to A4 and A6 were arrested and released on bail.

4.Considering the facts and circumstances of the case and also considering the fact that the injured has sustained only simple injury, this court is inclined to grant anticipatory bail to the petitioners 1, 5, 7 and 8 with certain conditions:



5. Accordingly, the petitioners 1, 5, 7 and 8 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, Nanguneri, on condition that the petitioners 1, 5, 7 and 8 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 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:

[a] the petitioners 1, 5, 7 and 8 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 1, 5, 7 and 8 shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners 1, 5, 7 and 8 shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 1, 5, 7 and 8 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 1, 5, 7 and 8 in accordance with law as if the conditions have been imposed and the petitioners 1, 5, 7 and 8 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].

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

Since the petitioners 2, 3, 4 and 6 were already arrested and released on bail, this petition is dismissed as against them.

sd/-  
04/10/2023

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

cmr



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- 1.The Judicial Magistrate, Nanguneri.
2. Do through the Chief Judicial Magistrate,  
Tirunelveli District.
- 3.The Inspector of Police,  
Kalakkadu Police Station,  
Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate ( SR-14785[I] dated 06/10/2023 )

ORDER  
IN  
CRL OP(MD) No.17621 of 2023  
Date :04/10/2023

SSA/DD/11.10.2023/5P/6C

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