



CRL OP(MD). No.17649 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Amjad Ali,
2. Axelin Thiraviyam,
3. Ebinecer Durai Raj

... Petitioners/ Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.497 of 2023.

... Respondent/ Complainant

For Petitioners : Mr.A.Joel Paul Antony, Advocate.

For Respondent : Mr.RMS.Sethuraman, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.497 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.497 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute the petitioners herein

along with other accused abused the defacto complainant in filthy language,



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assaulted him and also threatened with dire consequences, hence the case.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them,hence he see anticipatory to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that petitioners herein along with other accused abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences, hence he objected to grant anticipatory bail to the petitioners.

5.Now it is reported that the injured has been discharged from the hospital and no previous case is pending against the petitioners.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioners is not a case of henious crime. Further the petitioners are having permanent residents. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has



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cautioned that pre-trial detention is not to be encouraged nor is it to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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 is made ready, before the learned Judicial Magistrate, Manaparai, Trichy District on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall report before the trial Court as and when required for the purpose of interrogation.

[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



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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 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/-
13/10/2023

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/10/2023

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

AAV
TO

1 THE JUDICIAL MAGISTRATE, MANAPARAI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-15158[I] dated 13/10/2023)



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ORDER

IN

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Date :13/10/2023

RS/DD/SAR-(17.10.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
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