



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
CRL OP(MD)No.18107 of 2023

1.Dharman
2.Pandiyan @ Pandi

... Petitioners/ Accused 1 & 4

Vs

State Rep.by
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
(Crime No.431 of 2023)

... Respondent/Complainant

For Petitioners : Mr.K.M.KARUNAKARAN, Advocate
For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor.

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

PRAYER :- For Anticipatory Bail in Crime No.431 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable (*) under Sections 147, 341, 294(b), 323, 427 IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.431 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due temple festival dispute, the petitioners

<https://www.madras.gov.in/judicial> picked up quarrel with the defacto complainant. Hence the case.



WEB COPY

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured person in this case, has been discharged from the hospital.

5. On perusal of records, it is noticed that there was a dispute between the parties with regard to the temple festival and it is also notice that the injured person discharged from the hospital.

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 origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Trichy District. 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 cautioned that pre-trial detention is not to be encouraged nor is to be



WEB COPY

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, they can safely be released on their 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 made ready, before the learned Judicial Magistrate No.VI, Tiruchirappalli on condition that the petitioners shall execute a own bond 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 petitioners shall affix their photograph 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 on summons.

[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].

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

sd/-
11/10/2023

(*)(Amended as per order of this Hon'ble Court in CRL MP(MD).15538/2023 in CRL OP(MD).18107/2023 dated 16/11/2023)
/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
27/10/2023

1 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.



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

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-16357[I] dated 16/11/2023)

ORDER
IN
CRL OP(MD) No.18107 of 2023
Date :11/10/2023

SA/VRS/SAR. /20.10.2023/5P/6C
RS/DD /SAR. /27.11.2023/5P/6C

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