



CRL OP(MD). No.19168 of 2023

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

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19168 of 2023

1. C Vasanthkumar

2. C Mahesh Kumar

3. C Rakkammal

... Petitioners / Accused Rank not known

Vs

The State through
The Inspector of Police,
K.Pudur Police Station,
Madurai
(in Crime No.434 of 2023)

... Respondent / Complainant

For Petitioners : M/s. Sevugaraja.R, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.434 of 2023 on the file of the respondent Police.



CRL OP(MD). No.19168 of 2023

ORDER: The Court made the following order :-

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The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506 (1) IPC in Crime No.434 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel regarding the valuable wrist watch and slippers of the de-facto complainant's son, for which, the petitioners abused him in filthy language, pushed him down and attacked him with stick and also gave life threat to him. Further, the de-facto complainant suspects that the petitioners are responsible for the death of his son. Hence, the case.

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

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case and also the facts that the injured has been discharged from the hospital and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia



CRL OP(MD). No.19168 of 2023

Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap

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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 heinous crime. Further the petitioners are

having permanent residents at K.Pudur, Madurai. 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 be encouraged nor is 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.

6. 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,

Madurai, on condition that the petitioners shall execute 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



CRL OP(MD). No.19168 of 2023

Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioners shall report before the trial Court on receipt of summons;

[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

SJI



CRL OP(MD). No.19168 of 2023

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1.The Judicial Magistrate No.VI,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
K.Pudur Police Station,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SEVUGARAJA, Advocate (SR-15860[I] dated 02/11/2023)

ORDER
IN

CRL OP(MD) No.19168 of 2023

Date :01/11/2023

ED/VR/SAR- (06/11/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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