



CRL OP(MD). No.19312 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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1. Jayasudhan

2. Selvi

(*)3. Arjun

... Petitioners / Accused No.1 to 3

Vs

**The Inspector of Police,
Alankulam Police Station,
Virudhunagar District.
(Crime No. 130 of 2023.)**

... Respondent / Complainant

For Petitioners : Mr.N.Mariappan, Advocate

**For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No. 130 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the



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respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) IPC read with Section 4 of TNPWH Act, in Crime No.130 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that on 15.10.2023, the accused persons abused and assaulted the defacto complainant with hands and also threatened her with dire consequences. Based on the complaint given by the defacto complainant, a case was registered in Crime No.130 of 2023 under Sections 294(b), 323, 324, 506(ii) IPC read with Section 4 of TNPWH Act against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are neighbours. Wordy quarrel arose between the petitioners and the defacto complainant. Hence, a false case has been filed by the defacto complainant. The injured has been discharged from the hospital. The respondent Police has falsely registered a case against the petitioners. Hence, he prayed to grant an order of pre-arrest bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured had admitted in the hospital on 15.10.2023 and discharged from the hospital on 19.10.2023. Further, he submitted that the petitioner filed a complaint against the defacto complainant and counter case is registered



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against the defacto complainant. Further submitted that if bail is granted, petitioners will commit similar offences. Accordingly, he objected to allow the petition.

5. Heard on both sides. This Court has perused the records.

6. Petitioners have permanent residence. Petitioners have deep roots and relations in the society. Hence, they may not abscond. Considering the nature of injuries sustained by the defacto complainant, nature of alleged dispute between the parties, this Court is of the view that custodial interrogation of the petitioners may not be necessary to the investigating Agency. Hence, this Court does incline to allow the petition, however subject to the conditions to be stated infra:-

7. This Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioner subject to the following conditions:-

i) the petitioners are ordered to be released on bail in the event of their arrest or on their surrender before the learned Judicial Magistrate No.II, Sattur, within a period of 15 days from today, on executing 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 learned Judicial Magistrate No.II, Sattur;

(ii) the petitioners shall appear before the respondent police weekly twice ie., on every Monday and Friday at 10.00 a.m., until further orders;

(iii) the petitioners and the sureties shall affix their photographs and left thumb



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impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioners shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioners abscond, a fresh FIR shall be registered under Section 229 (A) of IPC;

(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

(*)AMENDED AS PER ORDER OF THIS COURT
DATED 23.11.2023 IN CRL MP(MD)NO.16426 OF
2023 IN CRL OP(MD)NO.19312 OF 2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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PNM

TO BE SUBSTITUTED WITH THE ORDER DATED 26/10/2023 ALREADY DESPATCHED

To

1.The Judicial Magistrate No.II,
Sattur.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Alankulam Police Station,
Virudhunagar District.

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

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-16881[I] dated 27/11/2023)

ORDER
IN

CRL OP(MD) No.19312 of 2023
Date :26/10/2023

ED/ VRS/SAR- (02/11/2023) 5P / 6C
GNS
PKP/DD/SAR- /14.12.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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