



CRL OP(MD). No.19382 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19382 of 2023

1.C.Ramesh Raja

2.R.Devi

... Petitioners/ Accused Nos. 1 & 2

Vs

1. State Rep.by

**The Sub Inspector of Police,
Sindupatty Police Station,
Madurai District.
(Crime No.219 of 2023)**

..1st Respondent/ Complainant

2.Thayalan

... 2nd Respondent/ Defacto Complainant

For Petitioners : Mr.C.Ezhilarasu,Advocate

**For Respondents : 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.219 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.19382 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioners/ A1 and A2 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(i) of I.P.C. in Crime No.219 of 2023 on the file of the respondent police, seek pre-arrest bail.

2. The case of the prosecution is that due to previous land dispute, on 17.10.2023, at about 12.15 p.m., the petitioners attacked the defacto complainant with wooden log, due to which, the defacto complainant sustained grievous injury. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have permanent residence at Madurai District and therefore, there is no possibility for absconding. Hence, he seeks pre-arrest bail.



CRL OP(MD). No.19382 of 2023

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner filed a complaint against the defacto complainant, based on the complaint, 'counter case' has been registered. Further, he submitted that the petitioners and the defacto complainant are close relatives and both have some civil dispute, consequent to which, a civil suit is pending before District Munsif Court, Usilampatti. He further submitted that the defacto complainant was admitted in the Hospital on 18.10.2023 and discharged on 21.10.2023. He further submitted that the investigation is not yet completed. At this stage of investigation, if an order of pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses and thereby, cause delay the investigation. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

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

6. Petitioners have permanent residence and deep roots in the society. Hence, the petitioners may not abscond. Considering the nature of offence allegedly committed by the petitioners, considering the fact that this case and another case are 'cases in counter' and also considering the pendency of civil suit between the petitioner and the defacto complainant, this Court is inclined to grant pre-arrest bail to the petitioners, subject to the following conditions:



CRL OP(MD). No.19382 of 2023

(i) Pre-arrest bail is granted to the petitioners.

(ii) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate, Thirumangalam within 15 days from today, on their executing a bond for Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Thirumangalam.

(iii) The petitioners shall appear and sign before the respondent police daily at 10 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioners shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioners shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii) If the petitioners abscond, a fresh FIR shall be registered under Section 229 of IPC.



CRL OP(MD). No.19382 of 2023

WEB COPY

(viii) On breach of any of the aforementioned 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

/ TRUE COPY /

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

MBI

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SINDUPATTY POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.19382 of 2023

WEB COPY

+1 CC to M/s.C.EZHILARASU, Advocate (SR-15663[I] dated 30/10/2023)

ORDER
IN

CRL OP(MD) No.19382 of 2023

Date :26/10/2023

PKP/VRS/SAR- /03.11.2023/ 6P/ 6C

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