



CRL OP(MD). No.19310 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.P.Parvathi
2.A.Pandiyammal
3.S.Pandi

... Petitioners/ Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District - 625 537.
(Crime No.223 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.R.Karunanidhi, 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.223 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) and 109 of I.P.C. in Crime No.223 of 2023 on the file of the respondent police, seek pre-arrest bail.

2. The case of the prosecution is that petitioner and the defacto complainant had some quarrel in relation to a temple festival. On 12.10.2023, at about 07.00 p.m., the petitioner interfered the temple festival and caused threat to the defacto complainant and others. Hence, the complaint.

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.

4. The learned Government Advocate (Crl. Side) submitted that this is a 'case in counter' and counter case was registered against the defacto complainant in Crime



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No.222 of 2023. He further submitted that the petitioners have no previous case and the investigation is not yet completed. At this stage of investigation, if anticipatory 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 did raise strong objection for granting pre-arrest bail.

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

6. Petitioners have no previous case. This case and Crime No.222 of 2023 are 'cases in counter'. Petitioners have permanent residences. Hence, there is no possibility for absconding. Considering the nature of offence alleged, this Court is inclined to grant pre-arrest bail to the petitioners, subject to the following conditions:

(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 District Munsif cum Judicial Magistrate No.2, Usilampatti, Madurai within 15 days from today, on their executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the District Munsif cum Judicial Magistrate No.2, Usilampatti, Madurai.



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(iii) The petitioners shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday 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.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate

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is entitled to pass appropriate orders against the petitioners in accordance with law
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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

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

mbi

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.2,
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE INSPECTOR OF POLICE,
UTHAPPANAICKANUR POLICE STATION, MADURAI DISTRICT - 625 537.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-15657[I] dated 30/10/2023)

ORDER IN
CRL OP(MD) No.19310 of 2023
Date :26/10/2023

RK/JGB (03/11/2023) 5P / 6C

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