



CRL OP(MD).No.19396 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

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1. M.Lakshmanan

2. K.Saravanan

3. M.Murugesan

... Petitioners/ Accused 1to3

Vs

State represented by its
The Sub-Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.161 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.B.Jeeva,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.161 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 offences punishable under Sections 342, 294(b), 323, 324 and 506(2) of IPC, in Crime No.161 of 2023, on the file of the respondent police, seek an order of pre-arrest bail.

2. The case of the prosecution is that the defacto complainant and one xxx are friends and on 07.10.2023 at about 10.00 p.m., the defacto complainant came to xxx's house and he was talking with xxx. At the time, petitioners came there, abused and attacked the defacto complainant by using wooden log and iron rod. Further, petitioners attacked the defacto complainant's father and brother and caused contusion and blood injuries respectively. Hence, the complaint.

3. The learned counsel appearing 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 alleged occurrence happened on 07.10.2023, but the FIR was registered only on 17.10.2023 after the lapse of 10 days and the defacto complainant gave a false complaint against the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners have no any previous cases and that the victims were admitted in the hospital on 07.10.2023 and were discharged on the same day itself.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police and perused the records.

6. Date of alleged offence was 07.10.2023. Date of the complaint and Registration of FIR was 17.10.2023. 7 days delay in lodging complaint and in registering case. Petitioners have permanent address. Hence, possibility for absconding is very less. Injured persons were discharged from Hospital. Considering the nature of the disputes, this Court is of the view that custodial interrogation may not necessary for the investigation agency. After considering entire circumstances of this case, this Court is inclined to grant an order of pre-arrest bail to the petitioners, however 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 learned Judicial Magistrate, Karaikudi, Sivagangai District, within 15 days from today, on their executing a bond for



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Rs.20,000 (Rupees Twenty Thousand Only) each with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai District;

(iii)The petitioners shall appear and sign before the respondent police daily at 10.00 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 229A of IPC;

(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



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as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005)

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13 SCC 283].

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/11/2023

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

CSM

TO

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

ORDER
IN

CRL OP(MD) No.19396 of 2023

Date :26/10/2023

SS/JGB/SAR- /06/11/2023/5P/5C

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