



CRL OP(MD). No.19333 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.Sengamalai

2.Periyasamy

3.Karuppiah

... Petitioners/ Accused Nos. 1 to 3

Vs.

**State rep.by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
Cr.No.273 of 2023.**

... Respondent/ Complainant

For Petitioners: Mr.R.Velmurugan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.273 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.273 of 2023 on the file of the respondent police, filed this petition under Section 438 of Cr.P.C, seeking an order of pre-arrest bail.

2. The case of the prosecution is that on 14.10.2023, wordy quarrel happened between the petitioners and the defacto complainant while fencing the land. At that time, the petitioners assaulted the defacto complainant and caused criminal intimidation. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. The petitioners did not commit the offence as alleged by the defacto complainant. The petitioners have permanent residence and have deep root in the society. Accordingly, the learned counsel prayed to grant an order of pre-arrest bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there was some land dispute between the parties. The injured was admitted in the hospital on 08.10.2023 and discharged on the same day. He further submitted that the petitioners have no previous case.

5. Heard the learned counsel for the petitioners and also the learned



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Government Advocate (Criminal Side) appearing for the respondent Police.

6.The petitioners have permanent residence. The petitioners have no previous case. The victim has discharged from hospital. Injury allegedly caused by the petitioners, is simple in nature. Considering the nature of the dispute between the parties, the nature of the offence allegedly committed by the petitioners against the defacto complainant, this Court is inclined to grant an order of 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 learned Judicial Magistrate, Lalgudi, within 15 days from today, on their executing a bond for Rs.25,000 (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Lalgudi.

(iii) The petitioners shall appear and sign before the respondent police daily at 10.00.am 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.



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(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 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.

DAS

TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI.



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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-15608[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19333 of 2023
Date :26/10/2023

PKP/VRS/SAR- /03.11.2023/ 5P/ 6C

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