



CRL OP(MD). No.19367 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

CRL OP(MD). No.19367 of 2023

1.Karuppasamypandian @ Karuppasamy

2.Marudhupandi

3.Karthikkannan

... Petitioners/ Accused Nos 1 to 3

Vs

**State rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Cr.No.140 of 2023**

... Respondent/ Complainant

For Petitioners : Mr.S.Anandha Rajagopal,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.140 of 2023 on the file of the Respondent

Police.

<https://www.mhc.tn.gov.in/judis>



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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 341, 294(b), 323, 324 and 506 (ii) of I.P.C, in Crime No.140 of 2023 on the file of the respondent police, seek an order of pre-arrest bail.

2. The case of the prosecution is that on 04.06.2023, during temple festival, a wordy quarrel arose between the petitioners and the defacto complainant. At that time, the petitioners abused the defacto complainant and assaulted him and caused injuries. Hence, the defacto complaint lodged a complaint. Based on the complaint, the respondent Police registered the above case.

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.

4. The learned Government Advocate (Crl. Side) for the respondent-police submitted that the injured was admitted in the hospital on 04.10.2023 and discharged on 09.10.2023. He further submitted that based on the petitioner's complaint a counter case in Crime No.141 of 2023 has been registered against the defacto complainant.

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



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6. Petitioners have no previous case. Petitioners have permanent residence and deep root in the society. Considering the nature of the dispute between the petitioners and the defacto complainant and considering the fact that the petitioners have no previous case, 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 District Munsif cum Judicial Magistrate, Peraiyur, 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 District Munsif cum Judicial Magistrate, Peraiyur.

(iii) The petitioners shall appear and sign before the respondent police daily twice i.e., at 10.00.am and 05.30 p.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.

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(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

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAIYUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19367 of 2023
Date :26/10/2023

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

Madurai Bench of Madras High Court is issuing certified
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