



CRL OP(MD).No.19409 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.19409 of 2023

1. Vinoth
2. Prakash
3. Palanisamy

... Petitioners/ Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station, Trichy.
(Crime No.460 of 2023)

... Respondent

For Petitioners : Mr.T.Lenin Kumar, 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.460 of 2023 on the file of the Respondent police.

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 294(b), 323, 324 and 506(2) of IPC, in

Crime No.460 of 2023, on the file of the respondent police, seek an order of pre-arrest



CRL OP(MD).No.19409 of 2023

WEB COPY

2.The case of the prosecution is that the defacto complainant has given surety for his neighbor namely Murugaesan in a criminal case registered between the said Murugaesan and the first petitioner. In Vengeance of the above, when the defacto complainant was standing near the grocery shop on 14.10.2023 at about 06.30 p.m., the petitioners came there and attacked him by using steel pipe, wooden log and caused life threat to him. 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 based on the first petitioner's complaint, a counter case in Crime No.459 of 2023 has been registered against the defacto complainant.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners have no previous cases and the defacto complainant/victim was admitted in the hospital on 16.10.2023 and was discharged on 21.10.2023.

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.



CRL OP(MD).No.19409 of 2023

6. Considering the nature of the injury allegedly caused by the petitioners to the defacto complainant and also the facts that the petitioners have no previous cases and that the petitioners have permanent residences and hence, there is no possibility for absconding, 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 the learned Judicial Magistrate, Lalgudi, 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 learned Judicial Magistrate, Lalgudi.

(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.



CRL OP(MD).No.19409 of 2023

WEB COPY

(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.

CSM

TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE, LALGUDI POLICE STATION, TRICHY.

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



CRL OP(MD).No.19409 of 2023

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-15640[I] dated 30/10/2023)

WEB COPY

ORDER IN
CRL OP(MD) No.19409 of 2023
Date :26/10/2023

RS/VRS/SAR-(06.11.2023) 5P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023