



CRL OP(MD). No.19385 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.Muthukumar
2.Karthick
3.Muthukrishnan

... Petitioners/ A1, A2 & A3

Vs

The State represented by,
The Inspector of Police,
Vadipatti Police Station,
Madurai District
(In Crime No.376 of 2023)

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu, 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.376 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act,1998, in Crime No.376 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 learned counsel for the petitioners has appeared through Video Conference. Learned Government Advocate (Crl.side) appeared before the court physically.

3. The case of the prosecution is that the petitioners and the defacto complainant have some property dispute. On 07.10.2023, wordy quarrel arose between the petitioners and the defacto complainant. In the said quarrel, the petitioners caused injuries to the victims by using aruval, spade etc. Consequent to the quarrel and the resultant injuries, the victims were admitted in the hospital on 07.10.2023 and discharged from the hospital on 10.10.2023.

4. The learned counsel for the petitioners submitted that since the petitioners and the defacto complainant have civil dispute over a piece of land, the defacto



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complainant lodged a false complaint against the petitioners. He further submitted that the petitioners had also lodged a complaint against the defacto complainant and based on the same, a case in Crime No.375 of 2023 on the file of the respondent police has been registered. It is also submitted by the learned counsel for the petitioners that the petitioners have permanent address and hence, there is no possibility for absconding. Accordingly, the learned counsel prayed for grant of an order of pre-arrest bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent/police submitted that the petitioners and the defacto complainant have some property dispute pertaining over a piece of land, and on the date of occurrence, the petitioners caused injuries by using spade and aruval. He further submitted that a counter case has also been registered in Crime No.375 of 2023.

6. The defacto complainant has been discharged from the hospital. Admittedly, the petitioners and the defacto complainant have some dispute over a piece of land. The petitioners have permanent address and have deep root in the society. Hence, the petitioners may not abscond. Considering the nature of injury allegedly committed by the petitioners to the defacto complainant and the period of treatment taken by



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the defacto complainant, 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 Judicial Magistrate, Vadipatti, Madurai District, within 15 days from today, on their executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

(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.



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(vi) The petitioners shall appear and co-operate with the Investigation Agency as and when required for investigation.

(vii) If the petitioners abscond, a fresh FIR shall be registered under section 299A 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.

CM

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3.THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT

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

ORDER
IN
CRL OP(MD) No.19385 of 2023
Date :26/10/2023

RK/VRS (02/11/2023) 6P / 5C

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