



CRL OP(MD). No.19610 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19610 of 2023

1. Vijayakumar

2. Rajapandi

... Petitioners/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District
Crime No.137 of 2023.

... Respondent/Complainant

For Petitioner : M/s. Arun.B,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.137 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the



CRL OP(MD). No.19610 of 2023

respondent police for the offences punishable under Sections 324, 506(ii) and 379(NH) of IPC of IPC in Crime No.137 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the parties, in which, the petitioners assaulted the de-facto complainant and also damaged his auto. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners assaulted the de-facto complainant and also damaged his auto, hence, he opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the nature of allegations and also taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal*



CRL OP(MD). No.19610 of 2023

Kamlendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4

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SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC

260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Madurai District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in *AIR 1979 SC 1360* is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Sivagangai, on condition that the petitioners shall execute **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned



CRL OP(MD). No.19610 of 2023

Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioners shall report before the trial Court on receipt of summons;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/11/2023

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

SJI



CRL OP(MD). No.19610 of 2023

TO

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1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT

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

+1 CC to M/s.B.ARUN, Advocate (SR-15928[I] dated 03/11/2023)

ORDER
IN

CRL OP(MD) No.19610 of 2023

Date :03/11/2023

SS/DD/SAR- /17/11/2023/5P/6C

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