



CRL OP(MD). No.19635 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19635 of 2023

1. M.Jayasuriya

2. G Deepanraj

... Petitioner/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No.244 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Mahendran.K,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 244 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342 and 307 of IPC in Crime No.244 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the accused persons attacked the de-facto complainant with sword and caused injuries to him. 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. He would further submit that counter case is pending against the de-facto complainant. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a case and case in counter and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.



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5. Taking note of the facts and circumstances of the case and also the facts that it is a counter case and the injured has been discharged from the hospital and and taking into consideration of the principle stated by the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in (2012)1 SCC 40, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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, Pattukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.



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[b] the petitioners shall appear before the respondent police on the first working day of every month at 10.30 a.m., until further orders;

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

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

[e] 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].

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

sd/-
02/11/2023

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

SJI



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TO
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- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-15818[I] dated 02/11/2023)

ORDER
IN
CRL OP(MD) No.19635 of 2023
Date :02/11/2023

SS/DD/SAR- /16/11/2023/5P/6C

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