



CRL OP(MD). No.19740 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Karthikumar,
2. Alagumalaikannan,
3. Hariprasath,
4. Nathiesh Alias Nanthikrishnan,
5. Samayakrishnan, ... Petitioners/4 to 7 & 9 Accused

Vs

The State rep.by,
The Inspector of Police,
Thirumangalam Police Station,
Madurai District.
(Crime No.218 of 2023). ... Respondent/Complainant

For Petitioners : M/s.Naveenkumar.S.P.,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 218 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/A4,5,6,7 and 9 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147,148,294(b),323, 324, 448,427 and 506(ii) of IPC in Crime No. 218 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel while worshipping in the temple, the petitioners herein along with other accused abused the defacto complainant assaulted him and also threatened with dire consequences, hence the case.

3. The learned counsel appearing for the petitioners seek permission of this Court to withdraw the petition as regards the petitioners 1 to3 and he has also made an endorsement to that effect. He would submit that the petitioners 4 and 5 are innocent and a false case has been foisted against them. He would further submit that the injured was treated as out patient and no previous case is pending against the petitioners 4 and 5 hence he seeks bail.



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4. The learned Additional Public Prosecutor would submit that due to wordy quarrel while worshipping in the temple, the petitioners herein along with other accused abused the defacto complainant assaulted him and also threatened with dire consequences, hence he objected to grant anticipatory bail to the petitioners. However he fairly concedes that the injured was treated as out patient and no previous case is pending against the petitioners and it is a case and case in counter

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured was treated as out patient and no previous case is pending against the petitioners 4 and 5 and it is a case and case in counter, this court is inclined to grant anticipatory bail to the petitioners 4 and 5 , with certain conditions:

6. Accordingly, the petitioners 4 and 5 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, Thirumangalam on condition that the petitioners 4 and 5 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

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(a)the petitioners 4 and 5 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;

(b)the petitioners 4 and 5 shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

(c)the petitioners 4 and 5 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 4 and 5 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 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 4 and 5 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]; and;



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(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The petition stands dismissed as withdrawn as regards the petitioners 1 to 3.

sd/-
06/11/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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

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

ORDER
IN

CRL OP(MD) No.19740 of 2023
Date :06/11/2023

RK/VRS (07/11/2023) 5P /5C

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