



CRL OP(MD). No.19764 of 2023

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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. Rengasamy

2. Prakash

3. Mangudi Alias Mathavan

4. Ayyavu

... Petitioners/ Accused Nos.1 to 4

Vs

The State represented by
The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Cr.No.200/2023.

... Respondent/Complainant

For Petitioners : M/s.Balakrishnan.R,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 200/2023 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 506(ii) and 379 IPC and Section 4 of the Prevention of Damages to Public Property Act, 1984, in Crime No.200 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners herein said to have attacked the defacto complainant and abused him in filthy language and also taken away the two wheeler and mobile phone. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that it is case and case in counter and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners and the defacto complainant are brothers



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and the defacto complainant has also given a complaint and the same was registered in Crime No.199 of 2023 on the file of the respondent police and case property was also recovered. He would further submit that it is only a simple injury and the injured was discharged from the hospital. He further contended that the investigation of the case is pending and hence, strongly objected to granted bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that the injured was discharged from the hospital and also the fact that the property was recovered, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Aranthangi, Pudukkottai District, 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 learned Magistrate concerned and on further conditions that:



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[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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the Judicial Magistrate No.I, Pudukkottai daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the 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 is 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]**.



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[f]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-

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/11/2023

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

TRP

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE JUDICIAL MAGISTRATE NO.I
PUDUKKOTTAI.

+ 1 CC TO M/s.Balakrishnan.R, IN SR No.16082 dated 08/11/2023

ORDER

IN

CRL OP(MD) No.19764 of 2023

Date :06/11/2023

SS/JGB/SAR- /07/11/2023/5P/7C

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