



CRL OP(MD)No.20385 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD)No.20385 of 2023

1.Muthusamy,

2.Vijayarajan,

3.Santhakumar,

4.Raman,

... Petitioners/ Accused (Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.(*)573 of 2023)

...Respondent/ Complainant

For Petitioners : Mr.D.Venkatesh
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.(*)573 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent

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police for the offence punishable under Sections (**)294(b), 323, 341 and 506(i) of I.P.C., on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that due to pathway dispute, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners waylaid the defacto complainant and abused him by using filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. 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 it is a case in counter and injured person has already been discharged from the hospital. He further contended that the investigation of the case is pending.

5. Taking into consideration the facts and circumstances of the case and that the injured was discharged from the hospital, 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



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of a copy of this order, before the learned Judicial Magistrate, Oddanchatram. 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:

[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 1, 3 and 4 shall appear before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation and the second petitioner shall appear before the respondent police weekly twice i.e. on every Saturday and Sunday at 10.30 a.m. for a period of four weeks 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



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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 Section 229-A IPC.

sd/-
10/11/2023

(*)(**)Amended as per Order of the Court
dt.10/11/2023 in CrI.MP(MD).15999/2023 in
CrI.OP(MD).20385/2023.

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

VSD
TO
1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.

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

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ORDER
IN
CRL OP(MD) No.20385 of 2023
Date :10/11/2023

SA/DD/SAR. /24.11.2023/5P/6C

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