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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1015 of 2023

1. Arjun @ Arjunan
2. Ilamparithi

... Petitioners/Accused 1 to 5

Vs

The state rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
(Crime No.467 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Lenin Kumar.T
Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.467 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) IPC in Crime No.467 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 13.12.2022, during the time of temple festival, there was a wordy quarrel arose between the petitioners and the defacto complainant and that the petitioners have attacked the defacto complainant on the left chest and caused serious injuries. Hence, the compliant.

3. The learned counsel appearing for the petitioners would submit that this is the second application for anticipatory bail. The earlier petition was dismissed on the ground that the accused had inflicted injury near the victim's left chest and the victim was



still in hospital. Now, it is alleged that the accused inflicted injury only on the left shoulder and not in chest as alleged and the injured has already been discharged from the hospital. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that though the victim has been discharged from the hospital, considering the nature of offence and nature of injuries, opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that this is the second petition for anticipatory bail and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Lalgudi**, 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police daily at 10:30 a.m., until further orders;

(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 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/ petitioners thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
LALGUDI POLICE STATION, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. LENIN KUMAR.T Advocate SR.No.857.

ORDER
IN
CRL OP(MD) No.1015 of 2023
Date :19/01/2023

PNM

MK/MMS/SAR II (27.01.2023) 3P 6C