



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22929 of 2022

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1.Muthu @ Muthaiah Pillai
2.Karpagaselvi
3.Sathish Kumar

...Petitioners/Accused Nos.1 to 3
-vs-

State represented by
The Inspector of Police,
K.Pudhupatti Police Station,
Pudukottai District.
(Cr.No.208 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No. 208 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.A.Balaji, Advocate
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 324 IPC in Crime No.208 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, is that the accused accompanied and attacked the defacto complainant with wooden log and abused with filthy language and threatened with dire consequence. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that a civil suit in O.S.No.72 of 2006 on the file of the District Munsif, Thirumayam, is pending between the first petitioner and the defacto complainant and both parties are close relatives. He prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the injured has been discharged from the hospital. However, he opposes to grant anticipatory bail.



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

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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, Thirumayam, on condition that the petitioners shall execute 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.

[b] the petitioners shall report before the respondent police every Saturday at 5.30 pm 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/01/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. THE INSPECTOR OF POLICE,
K.PUDHUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.22929 of 2022
Date :12/01/2023

RK/BUC/SAR-2 (27/01/2023) 4P/5C