



CRL OP(MD). No.20458 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Rajkumar,

2. Murugan,

3. Hariharan,

4. Karunanithi,

... Petitioners/ Accused

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Cr.No.240/2022.

... Respondent/ Complainant

For Petitioner : M/s.Anandan.B, 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. 240/2022 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/ accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 307, 379(NP) IPC in Crime No.240 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners herein have attacked the defacto complainant with wooden log and also abused him in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the co-accused have already granted anticipatory bail by this Court and now, the injured was discharged from the hospital. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that there was a wordy quarrel between the parties.

6. Considering the nature of allegations made against the petitioners and also



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considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioners. 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 No. II, Kumbakonam, 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 likesum 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 conditions that :

[a] the petitioners 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 appear before the trial Court once in a month i.e., on 1st working day of every English Calender month at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during



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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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
17/11/2023

/ TRUE COPY /

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

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

<https://www.mhc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-16447[I] dated 17/11/2023)

ORDER
IN
CRL OP(MD) No.20458 of 2023
Date :17/11/2023

PKP/DD/SAR- /29.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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