



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

PRESENT

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

CRL.O.P (MD)No.387 of 2023

WEB COPY

- 1.Solaimalai
- 2.Kannan
- 3.Raman
- 4.Ayyavu
- 5.Azhagi
- 6.Vettiammal
- 7.Rani

...Petitioners/Accused Nos.1 to 7

-vs-

The State represented by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Cr.No.14 of 2015)

...Respondent/Defacto 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.14 of 2015 on the file of the respondent Police.

For Petitioners
For Respondent

: Mr.S.Prabhu
: Mr.K.Sanjai Gandhi
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), 147, 148, 323, 324 and 506(ii) of IPC in Crime No.14 of 2025 on the file of the respondent Police, seek anticipatory bail.

2.The learned Counsel for the petitioners would submit that the petitioners had earlier approached this Court in Crl.O.P.(MD)No.1493 of 2015 and this Court by order, dated 29.01.2015 was pleased to grant anticipatory bail to the petitioners. Later, due to the intervention of elders and well wishers in the village, the matter was compromised between the parties and the dispute was also settled and the de-facto complainant submitted that he would not proceed further and thereby, the petitioners did not surrender before the Court and execute sureties. However, now they came to know that the respondent has filed a final report and the case has been taken up for trial in C.C.No.966 of 2022 on the file of the learned



Judicial Magistrate, Thirumangalam and the learned Judicial Magistrate, Thirumangalam, had also issued non bailable warrant of arrest against them.

3.The learned Counsel for the petitioners would also submit that the petitioners did not appear due to the settlement effected between parties and it is not an intentional and he would submit that without prejudice to their rights, each of the petitioners are preferred to deposit some amount to any welfare scheme and they are also ready to surrender before the trial Court on 03.02.2023 or any other earlier hearing dates.

4.The learned Government Advocate (crl.side) would submit that the petitioners were earlier granted anticipatory. However, they did not surrender and execute sureties and thereby, the trial Court has issued a non bailable warrant of arrest.

5.Taking into consideration the facts and the submission and the volunteer offer made by the petitioners, this Court is inclined to pass the following order.

6.This petition is allowed and the petitioners shall surrender before the learned Judicial Magistrate, Thirumangalam, on or before 03.02.2023 and file an application for re-calling the warrant on the same day and on such application being filed, the learned Judicial Magistrate, Thirumangalam, shall recall the non bailable warrant on the same day on condition that each of the petitioners shall deposit Rs.500/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, for the purpose of subscription of e-law journals. Till such time, the respondent Police shall not take any coercive steps against the petitioners.

sd/-
10/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr



To

1.The Judicial Magistrate, Thirumangalam.

2. Do Through The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Koodakovil Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Officer Incharge,
Madurai Bench of High Court Advocates Association (MBHAA),
Madurai.

+1 CC to M/s.PRABHU S, Advocate (SR-592[I] dated 11/01/2023)

CRL.O.P(MD)No.387 of 2023

10.01.2023

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TR/MMS/SAR-II(24.01.2023) 3P 7C