



CRL OP(MD). No.21713 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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1. Saravanan,

2. Balasubramian,

3. Ponnammal,

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.490/2023.

... Respondent/ Complainant

For Petitioner : M/s.KANDHAVADIVELAN.G,
Advocate.

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.490/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

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



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police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime

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No.490 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the defacto complainant trespassed into the petitioners' milk firm and at that time, there was a wordy quarrel arose between the petitioners and the defacto complainant and that the petitioners herein have attacked the defacto complainant and caused injuries and also sprinkle the chilli powder. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that due to civil dispute, there was a wordy quarrel arose between the parties and now, the injured was discharged from the hospital. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioners.

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:



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6. Accordingly, the petitioners is 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 of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai 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 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 is 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].



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.

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



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+1 CC to M/s.G.KANDHAVADIVELAN, Advocate (SR-17292[I] dated 05/12/2023)

ORDER
IN
CRL OP(MD) No.21713 of 2023
Date :04/12/2023

SA/SKN/SAR. /06.12.2023/5P/6C

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