



CRL OP(MD)No.21942 of 2023

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

Date : 06.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.21942 of 2023

1.Adhisiva

2.Mari

3.Thandeeswaran

4.Rajeswari

5.Rasuthevar

6.Chandra

... Petitioners/ Accused Nos. 1 to 6

Vs

**(*)The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(In Crime No.79 of 2023)**

... Respondent/Complainant

For Petitioners	: Mr.D.Azhagumalai,Advocate
For Respondent	: Mr.RMS.Sethuraman, Additional Public Prosecutor.

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



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PRAYER:-

For Anticipatory Bail in Crime No.79 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of the Women Harassment Act in Crime No.79 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners jointly attempted to assault the defacto complainant. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners also preferred a complaint as against the defacto complainant. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured person in this case is treated as out patient and the investigation in this case is pending.



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5.Considering the nature of allegations levelled as against the petitioners and taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in (2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others* reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residence at Sivagangai District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6.In view of the above, this Court is 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

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on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District on condition that the petitioners shall execute a **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph 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 trial Court on summons.

[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].



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

sd/-

06/12/2023

(*)Amended as per order dated of the Court dated 04.01.2024 in CRL MP(MD)No.70/2024 in CRL OP(MD) No.21942/2023.

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/12/2023

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

GNS

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/12/2023 ALREADY DESPATCHED

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUPPUVANAM,
SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.D.AZHAGUMALAI, Advocate (SR-212[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.21942 of 2023

Date :06/12/2023

PKP/JGB/SAR- /20.12.2023/ 6P/ 7C

RR

SS/DD/SAR- /24.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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