



CRL OP(MD) No.112 of 2024

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 SARAVANAN
2 RAJENDRAN
3 RETHINAMMAL
4 SETHU @ SETHURAMAN
5 BALAJI

... PETITIONERS/ ACCUSED NOS.1 TO 5

Vs

THE INSPECTOR OF POLICE
MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.173/2023

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.SATHYACHIDAMBARAM, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.173/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 147, 341, 294(b) and 323 of IPC r/w

Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.173
<https://www.mhc.tn.gov.in/judis>



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of 2023, on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that due to property dispute, both of them attacked each other. Hence, the case

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is a case and case in counter and a false case has been foisted against them. He would further submit that the injured was discharged from the hospital and the petitioners also sustained injuries. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the injured was already discharged from the hospital and the investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that it is a counter case and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the



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learned Judicial Magistrate, Aranthangi, Pudukkottai District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners 1 and 5 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-328[I] dated 08/01/2024)



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ORDER

IN

CRL OP(MD) No.112 of 2024

Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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