



CRL OP(MD) No.107 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.107 of 2024

1 M.ARULKUMAR

2 KAVITHA @ KRISHNAMMAL

... PETITIONER / ACCUSED Nos. 1 & 2

Vs

**THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
VEERAPANDI POST,
THENI DISTRICT.
CR.NO.449/2023**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.KARUPPASAMY PANDIAN Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CR.NO.449/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC in Crime**

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No.449 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was family dispute between the first petitioner and the defacto complainant. The defacto complainant is none other than the own paternal uncle of the first petitioner. On 24.12.2023, at about 08.00 p.m, when the defacto complainant standing at the Jangalpatti Bus Stand, the first petitioner approached the defacto complainant and demanded him to give his bike to him. When the same was refused by the defacto complainant, the petitioner along with the his wife & mother/A2, abused the defacto complainant in filthy language and attacked him with stone and caused injuries. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that due to civil dispute, false case has been foisted against the petitioners. Further, the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State there was family dispute between the petitioners and the defacto complainant. However,

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he fairly conceded that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the facts that there was family dispute between the petitioners and the defacto complainant and the injured person has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate Court, Theni, Theni 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;

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(c) the petitioners shall report before the respondent police as 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

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

DSS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THENI, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, VEERAPANDI POST,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-115[I] dated 04/01/2024)

ORDER
IN
CRL OP(MD) No.107 of 2024
Date :04/01/2024

PKP/DD/SAR- /09.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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