



CRL OP(MD) No.128 of 2024

WEB COPY

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

CRL OP(MD) No.128 of 2024

1 SIVAKUMAR

2 MARIESWARAN

... PETITIONERS/ ACCUSED 6 & 7

Vs

THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.450/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.ANANDHAKUMAR Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.450/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.6 & 7, who apprehend arrest at the hands
of the respondent police for the alleged offence punishable under Sections 147, 148,



CRL OP(MD) No.128 of 2024

341, 294(b), 323, 506(2) and 307 of I.P.C. and Section 4 of TNPHW Act in Crime No.450 of 2023, seek anticipatory bail.

WEB COPY

2. The case of the prosecution is that there was a family dispute between the petitioners and the defacto complainant and due to which, the petitioners attacked the defacto complainant and thereby, a case has been registered against the petitioners herein by the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons and hence, they prayed for anticipatory bail. The learned counsel appearing for the petitioners would further submit that already there was a land dispute between the petitioners and the defacto complainant, in which, a false case has been registered against the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the injured person has been discharged from the Hospital.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has 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



CRL OP(MD) No.128 of 2024

WEB COPY

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.1, Sivakasi, 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 are directed to appear before the respondent police for a period of two weeks at 10.30 A.M., and thereafter, as and when required for interrogation;

(d).the petitioners shall not tamper with evidence or



CRL OP(MD) No.128 of 2024

WEB COPY

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/-
05/01/2024

/ TRUE COPY /

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

TSG
TO
1 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.



CRL OP(MD) No.128 of 2024

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S. ANANDHAKUMAR, Advocate (SR-197[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.128 of 2024
Date :05/01/2024

SA/DD/SAR. /11.01.2024/5P/6C

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