



CRL OP(MD) No.161 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.161 of 2024

1 D.ARIVAZHAGAN

2 K.SELVARAJ

3 SAKTHI ALIAS SATHYA

4 VANITHA

5 K.MURUGESHWARAN

... PETITIONER/ ACCUSED 1 TO 5

Vs

THE SUB INSPECTOR OF POLICE
BODINAYACKENUR RURAL POLICE STATION,
THENI DISTRICT.
(*)CRIME NO.2/2024

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.ANANDAN, Advocate

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



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

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PRAYER:- FOR ANTICIPATORY BAIL IN (*)CRIME NO.2/2024 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable (**)under Sections 447, 147, 148, 294(b), 323, 354, 324, 506(2) and 109 of I.P.C. in (*)Crime No.2 of 2024, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant and due to which, the accused persons trespassed into the defacto complainant's land and assaulted the defacto complainant with wooden rod. Hence, the complaint.

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 thereby, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation is going on.

5. Considering the facts and circumstances of the case and also



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considering the fact that it is a civil dispute, I am inclined to grant anticipatory bail to the petitioners.

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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 learned Judicial Magistrate, Bodinayacknur, 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 petitioner Nos.4 and 3 shall report before the respondent



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Police as and when required for interrogation and the petitioner Nos.1, 2 and 5 shall report 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 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;



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(g).if the accused thereafter absconds, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-
08/01/2024

(*)AMENDED AS PER ORDER OF THIS COURT
DATED 14.02.2024 IN CRL MP(MD)NO.1724 OF
2024 IN CRL OP(MD)NO.161 OF 2024

TIME IS EXTENDED FOR A PERIOD OF TWO
WEEKS FROM THE DATE OF RECEIPT OF
AMENDED COPY OF THIS ORDER.

(**)AMENDED AS PER ORDER OF THE COURT
DATED 04.03.2024 IN CRL MP(MD)NO.2692 OF
2024 IN CRL OP(MD)NO.161 OF 2024

/ TRUE COPY /

/03/2024

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

TSG

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 08/01/2024 ALREADY
DESPATCHED

TO BE SUBSTITUTED WITH THE AMENDED ORDER DATED 14/02/2024
ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
BODINAYACKNUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.



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3 THE SUB INSPECTOR OF POLICE
BODINAYACKENUR RURAL POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.K.ANANDAN, Advocate (SR-310[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.161 of 2024
Date :08/01/2024

SA/DD/SAR. /12.01.2024/6P/6C

RK/DD 21.02.2024 5P/6C

SSB

SA/GS/SAR. /12.03.2024/6P/6C

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