



CRL OP(MD) No.395 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.395 of 2024

1 VIJAYMURTHY

2 RAGU @ NAGARAJAN

3 PERIYAVAN @ TAMILARASAN ... PETITIONER/ACCUSED 1,2 & 4  
Vs

THE INSPECTOR OF POLICE  
NAVALPATTU POLICE STATION,  
NAVALPATTU,  
TRICHY DISTRICT.  
CRIME NO.287 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.T. VADIVELAN 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.287 OF 2023 ON THE FILE  
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1, A2 & A4, who apprehend arrest at the hands of the  
respondent police for the alleged offence under Sections 147, 148, 324, 427 and 506(ii)



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of IPC @ Sections 147, 148, 294(b), 307, 324, 427 and 506(ii) of IPC in Cr.No.287 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that there was a property dispute between the petitioners and the de-facto complainant and on the particular day, the petitioners entered into the de-facto complainant's property and attacked the de-facto complainant with wooden log. Thereby, the de-facto complainant sustained injuries. 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 purely a property dispute and they have been falsely implicated in this case and A3 was already enlarged on bail in Crl.O.P.(MD)No.23560 of 2023, on 03.01.2024. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) strongly opposed to grant anticipatory bail stating that apart from this case, first petitioner/A1 is having one previous case and the second petitioner/A2 is having two previous cases. However, the third petitioner/A4 is having no previous case and the injured was already discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the co-accused



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was already enlarged on bail, 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 learned Judicial Magistrate No.III, Trichy, 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 shall report before the respondent police daily at 10.30 a.m., until further orders;



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(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/01/2024

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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 NO.III  
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, TRICHY DISTRICT.



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3 THE INSPECTOR OF POLICE  
NAVALPATTU POLICE STATION,  
NAVALPATTU,  
TRICHY DISTRICT.

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

+1 CC to M/s.T.VADIVELAN, Advocate ( SR-504[I] dated 10/01/2024 )

ORDER  
IN  
CRL OP(MD) No.395 of 2024  
Date :10/01/2024

RS/JGB/SAR. /18.01.2024/5P/6C

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