



CRL OP(MD) No.494 of 2024

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.494 of 2024

1 NATARAJAN
2 MUTHU

... PETITIONERS/ ACCUSED NOS.1 & 6

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.403/2023.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.V.KARUNA, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.403/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 and A6, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections 147, 148, 427,
429, 294(b), 324, 506(ii) and 379 of IPC, in Cr.No.403 of 2023, on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the
petitioners' family attacked the defacto complainant family. Thereby, the defacto



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complainant made a complaint before the respondent police. Hence, the case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that due to civil dispute, the petitioners damaged the defacto complainant property, except this allegation, no other allegation was made against them. Hence, they prayed for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the State would submit that the petitioners entered into the defacto complainant's property and damaged the property and hence, he opposed to grant anticipatory bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners, on instructions, would further submit that the petitioners are ready to deposit a sum of Rs.10,000/- each to the credit of Crime No.403 of 2023 before the trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, liberty may be given to the petitioners for refund of the said amount.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to deposit a sum of Rs.10,000/- each to



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the defacto complainant, I am inclined to grant anticipatory bail to the petitioners.

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7. 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 No.II, Kulithalai, Karur 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 petitioners are directed to deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) each to the credit of Crime No.416 of 2023 before the learned Judicial Magistrate No.II, Kulithalai, Karur District, and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeeding in the case, the amount will be refunded to them.

(c).the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d).the petitioners shall report before the respondent police as and when required for interrogation;

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

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

(g).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;

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

sd/-
22/01/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.V.KARUNA, Advocate (SR-882[I] dated 22/01/2024)

ORDER
IN

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Date :22/01/2024

RS/DD/SAR-(30.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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