



CRL OP(MD) No.627 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 KALAISELVAN @ KALAIYARASAN

2 CHANDRU @ CHANDRAMOHAN

... PETITIONER/ACCUSED NO.2&3

Vs

THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.325 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SRIDEVI R 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 CRIME NO.325 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 448 and 506(ii) of IPC in Cr.No.325 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 08.12.2023 at about 07.40 p.m., when the de-facto complainant, who is an Advocate along with his senior Advocates and his clients went to serve notice in an injunction order granted in case in O.S.No.230 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, the petitioners and other accused persons came there, attacked them and threatened them with dire consequences. 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 they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the State would



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submit that due to civil dispute, the above said occurrence had happened and hence, he strongly opposed to grant of anticipatory bail to the petitioners. However, he fairly conceded that the injured was already discharged from the hospital.

5.The learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that it appears to be a civil dispute and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.3, 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



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concerned and on further condition that:

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(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;

(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

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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/-
12/01/2024

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

SJI

TO

- 1.THE JUDICIAL MAGISTRATE NO.3, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.P.MANI ANANDH, Advocate (SR-647[I] dated 12/01/2024)

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ORDER
IN
CRL OP(MD) No.627 of 2024
Date :12/01/2024

RK/JGB (22/01/2024) 6P / 6C

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