



CRL OP(MD) No.939 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.939 of 2024

1 ESWARI
2 CHELLADURAI

... PETITIONERS/ ACCUSED RANK NO.2 & 3

Vs

THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
PALANI, DINDIGUL.
(CRIME NO.16 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.B.SEKAR, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)
For Intervener : MR.N.ADITHYA VIJAYALAYAN, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 16 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

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 and 506(2) of
IPC in Cr.No.16 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that due to pathway dispute between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant with aruval and thereby, the defacto complainant sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and the injured was already discharged from the hospital. However, on instructions, he would further submit that, the petitioners are ready to deposit a sum of Rs.30,000/- to the defacto complainant directly by way of demand draft. Thereby, they prayed for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police strongly opposed to grant anticipatory bail to the petitioners stating that due to pathway dispute, the petitioners attacked the defacto complainant. However, he fairly conceded that the injured was discharged from the hospital.

5. The learned counsel for the intervenor would submit that if the petitioners deposit Rs.30,000/- to the defacto complainant directly by way of demand draft, this Court may consider the petitioners' application for anticipatory bail.

6. Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioners



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have come forward to deposit a sum of Rs.30,000/- to the defacto complainant, I am inclined to grant anticipatory bail to the petitioners.

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, Palani, 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.30,000/-(Rupees Thirty Thousand only) by way of demand draft drawn in favour of the de-facto complainant directly and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioners;

(c).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



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pass Book to ensure their identity;

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(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.

SJI



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TO

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1 THE JUDICIAL MAGISTRATE, PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, PALANI TALUK POLICE STATION, PALANI,
DINDIGUL.

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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-906[I] dated
23/01/2024)

ORDER

IN

CRL OP(MD) No.939 of 2024

Date :22/01/2024

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

Madurai Bench of Madras High Court is issuing
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