



CRL OP(MD) No.1102 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1102 of 2024

1 BOOPATHI

2 PRABAKARAN

3 SIVA @ SIVAKUMAR

... PETITIONERS / ACCUSED Nos. 3 to 5

Vs

**THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT,
CRIME NO.10/2024**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SUSI KUMAR.C Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.10/2024 ON THE FILE OF THE
RESPONDENT POLICE**

ORDER : The Court Made the following order :-

**The petitioners/ A3 to A5, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of**



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IPC, in Crime No.10 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.01.2024, when the defacto complainant was returning back to home, the petitioners assaulted one person and the same was questioned by the defacto complainant, the petitioners along with other accused also assaulted the defacto complainant and caused injury to him. 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 a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the State submitted that it is a case and case in counter and the injured was already discharged from the hospital. However, he strongly opposed to grant anticipatory bail to the petitioners.

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



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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 District Munsif cum Judicial Magistrate, Illuppur, 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 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;



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(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/-
24/01/2024

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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 DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, ILLUPPUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT.



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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-1037[I] dated 24/01/2024)

ORDER
IN

CRL OP(MD) No.1102 of 2024

Date :24/01/2024

PKP/VR/SAR /31.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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