



CRL OP(MD) No.1094 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

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1 THAVAMANI

2 SILAMPARASAN

3 RAMESHA

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
PALAMEDU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.13 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VINOTHKUMAR.B 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.13 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent



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police for the alleged offence under Sections 294(b), 323, 324, 506(2) of IPC r/w 4 of TNPHW Act, in Crime No.13 of 2024, seek anticipatory bail.

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2.The case of the prosecution is that there was property dispute between the petitioners and the defacto complainant. In such circumstances, the defacto complainant tried to cut the trees in the disputed property. when the same was questioned by the petitioners, there was wordy altercation between them. Subsequently, the petitioners abused the defacto complainant in filthy language and assaulted her with aruval and caused injuries to her. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

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. He further submitted that the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the due to property dispute, the petitioners abused the defacto complainant in filthy language and assaulted her with aruval and caused injuries to her. The second petitioner is having 4 previous cases and the petitioners 1 and 3 are not having previous cases. However, he fairly conceded that the injured person was



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already been discharged from the hospital.

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6. Considering the facts and circumstances of the case and also considering the fact that the injured person was already been discharged from the hospital, this Court is 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, Vadipatti, Madurai**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) **common surety** 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;



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required;

(c) the petitioners shall report before the respondent police as and when required;

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

sd/-
24/01/2024

/ TRUE COPY /

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

DSS
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
PALAMEDU POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-1066[I] dated 29/01/2024)

ORDER

IN

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Date :24/01/2024

SS/JGB/SAR- /30/01/2024/5P/6C

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