



CRL OP(MD) No.1112 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.1112 of 2024

1 MURUGESAN

2 KUMARAVEL ... PETITIONERS/ ACCUSED NO.2&NOT KNOWN

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.

CRIME NO.403 OF 2023. ... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.ARUNRAJ 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.403 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A2 and Not Known, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections 147, 148, 427,

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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 along with other accused attacked the defacto complainant and abused him in filthy language. 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 and due to civil dispute between the parties, the defacto complainant made a false complaint against the petitioners and the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.494 of 2024 on 22.01.2024. Hence, they prayed for anticipatory bail.

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



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5.Considering the facts and circumstances of the case and also considering the facts that it appears to be a civil dispute and the co-accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed 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.II, Kulithalai, 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;



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(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;

(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

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/02/2024

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

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.II, KULITHALAI.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

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.K.ARUNRAJ, Advocate (SR-1019[I] dated 24/01/2024)

ORDER
IN
CRL OP(MD) No.1112 of 2024
Date :24/01/2024

RK/VR (31/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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