



CRL OP(MD) No.1117 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.1117 of 2024

1 JASTIN

2 SUGANYA

3 JAMES KIMTON

... PETITIONERS/ ACCUSED 1,3&7

Vs

THE SUB INSPECTOR OF POLICE
THEVARAM POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
CRIME NO.7 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.APPADURAI 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.7 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



CRL OP(MD) No.1117 of 2024

ORDER : The Court Made the following order :-

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The petitioners/A1, A3 & A7, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 448, 294(b), 323, 324 and 506(2) of IPC in Crime No.7 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons trespassed into the house of the defacto complainant with deadly weapons and abused the defacto complainant along with his family members in filthy language and attacked them. 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. He further submitted that the co-accused were already granted anticipatory bail by this Court in Crl.OP(MD)No.839 of 2024 on 19.01.2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that it is a case and case in counter and all the accused persons attacked the defacto complainant with aruval and hence, he strongly opposed to grant anticipatory bail to the petitioners.



CRL OP(MD) No.1117 of 2024

However, he fairly conceded that the injured was already discharged from the hospital and the co-accused were already granted anticipatory bail by this Court on 19.01.2023..

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

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 Judicial Magistrate, Bodinayakkanur, 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



CRL OP(MD) No.1117 of 2024

stand automatically cancelled;

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(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., for a period of two weeks and thereafter, 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;



CRL OP(MD) No.1117 of 2024

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(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.

DSS

TO

1.THE JUDICIAL MAGISTRATE, BODINAYAKKANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE SUB INSPECTOR OF POLICE
THEVARAM POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.1117 of 2024

Date :24/01/2024

RK/DD (30/01/2024) 5P /5C

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