



CRL OP(MD) No.1218 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1218 of 2024

GURUSAMY

... PETITIONER/ ACCUSED 3

Vs

THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TENKASI DISTRICT,
CRIME NO.12/2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.DHILIPAN PANDIAN R.L. 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.12/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(ii) of IPC, in Crime No.12 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, the petitioner and other accused abused the de-facto complainant in filthy language and assaulted him and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and it is a case and case in counter and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioner.

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

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 person was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



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learned Judicial Magistrate Court, Sivagiri, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 petitioner in



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accordance with law as if the conditions have been imposed and the petitioner 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/-
30/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TENKASI DISTRICT,

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



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1180[I] dated 30/01/2024)

ORDER
IN
CRL OP(MD) No.1218 of 2024
Date :30/01/2024

SA/GS/SAR. /06.02.2024/5P/6C

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