



CRL OP(MD) No.1275 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.1275 of 2024

1 THIRUPATHI

2 MUTHUKUMAR

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE  
AVANIYAPURAM POLICE STATION,  
MADURAI CITY,  
CRIME NO.14/2024

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.MATHAVASELVAM.R 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.14/2024 ON THE FILE OF THE  
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for  
the alleged offence under Sections 447, 294(b), 323, 324, 427 and 506(ii) IPC, in Crime



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No.14 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Salesman at a TASMAC shop. On 12.01.2024, all the accused persons came to that TASMAC shop and demanded brandy worth about Rs.260/- by giving Rs.250/- and when the same was refused by the defacto complainant, the petitioners entered quarrel with him, attacked him with bottle on his left hand, caused contusion injury, damaged the bottles worth about Rs.5,000/- and subsequently, threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution. Due to previous enmity, the false case has been foisted against the petitioners. So, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the first petitioner is having no previous cases and the second petitioner is having 11 previous cases at his credit. Hence, he has no objection to grant anticipatory bail to the petitioner No.1 and he opposed to grant anticipatory bail to the petitioner No.2, since he is a habitual offender.

5. Considering the facts and circumstances of the case and also considering the

fact that the first petitioner is having no previous cases, I am inclined to grant  
<https://www.mhc.tn.gov.in/judis>



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anticipatory bail to the first petitioner and since the second petitioner is having 11 previous cases at his credit, this Court is not inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, this petition is partly allowed. In respect of the first petitioner, this petition is allowed and in respect of the second petitioner, this petition is dismissed, considering his previous bad antecedent. The 1<sup>st</sup> petitioner is granted anticipatory bail and he 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 learned Judicial Magistrate No.VI, Madurai, on condition that the 1<sup>st</sup> 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 1<sup>st</sup> 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;



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(c)the 1<sup>st</sup> petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required;

(d)the 1<sup>st</sup> petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the 1<sup>st</sup> 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 1<sup>st</sup> petitioner in accordance with law as if the conditions have been imposed and the 1<sup>st</sup> 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
30/01/2024

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



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INDU  
TO

- 1 THE JUDICIAL MAGISTRATE NO.VI  
MADURAI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
AVANIYAPURAM POLICE STATION,  
MADURAI CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MATHAVA SELVAM, Advocate ( SR-1192[I] dated 30/01/2024 )

ORDER  
IN  
CRL OP(MD) No.1275 of 2024  
Date :30/01/2024

PKP/JGB/SAR /01.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified  
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