



CRL OP(MD) No.1489 of 2024

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

Thursday, the First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1489 of 2024

1 KARUPPAIYA @ KARUPPIAH

2 ANNALAKSHMI

... PETITIONER/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
CRIME NO.8 OF 2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.DINESH.K 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 CR.NO.8/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 341, 294(B), 324, 323 and 506

(2) IPC in Crime No.8 of 2024, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that due to the pathway dispute between the petitioners' family and the defacto complainant's family, on 07.01.2024, at about 10.45 p.m, the petitioners along with other accused abused the husband of the defacto complainant in filthy language and attacked him with aruval and caused injuries to him. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

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 It is a case and case in counter. Counter case has been registered against the defacto complainant in Crime No.7 of 2024. Furhter, the injured was discharged from the hospital and no previous case in pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that due to pathway dispute, the said occurrence was happened. The investigation is still pending. However, he fairly conceded that it is a case and case in counter. Counter case has already been registered against the defacto complainant. Further, the injured was discharged from the hospital and no previous case in pending against the petitioners.



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5. Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured has already been discharged from the hospital and no previous antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 District Munsif and Judicial Magistrate Court No.1, Usilampatti, Madurai District, 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 daily at 10.30 a.m, for a period of two weeks and thereafter, 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/-
01/02/2024

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

DSS
TO
1 THE DISTRICT MUNSIF AND JUDICIAL MAGISTRATE NO.I,
USILAMPATTI,
MADURAI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.DINESH, Advocate (SR-1396[I] dated 05/02/2024)

ORDER
IN
CRL OP(MD) No.1489 of 2024
Date :01/02/2024

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

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