



CRL OP(MD) No.1604 of 2024

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

Friday, the Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1604 of 2024

1 ANBARASU ALAIS ANBU

2 ANANDH

3 PRADEEPKUMAR ALAIS PRADEEP

4 SARAVANAN

5 SABARIRAJAN ALAIS SABARI

6 RAJESHWARI

7 RAJARAJAN

... Petitioners / Accused No.1 to 3, 5 to 8

Vs

THE INSPECTOR OF POLICE
THIRUNAGAR POLICE STATION,
MADURAI.
(CRIME NO.55 OF 2024.)

... Respondent / Complainant

For Petitioners : M/s.N.Sekar, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)



CRL OP(MD) No.1604 of 2024

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.55 OF 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 147, 148, 448, 294(b), 324, 427 and 506(ii) IPC, in Crime No.55 of 2024, seek anticipatory bail.

2.The case of the prosecution is that on 28.01.2024 at about 9.45 p.m., the defacto complainant received an information as his sister's son was attacked by some persons using wooden log and stones. Hence, the defacto complainant and his relatives rushed to the spot and rescued him, at that time, the accused persons attacked the defacto complainant's sister's son, scolded them using filthy language and threatened 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. It is a case and counter case and the counter case has been registered against the defacto complainant and others in Crime No.56 of 2024. So, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the second



CRL OP(MD) No.1604 of 2024

petitioner was already secured by the respondent Police. Further, the injured has been discharged from the hospital and it is a case and counter case. Hence, he has no objection to grant anticipatory bail to the petitioner Nos.1, 3, 5 to 8.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and it is a case and counter case, I am inclined to grant anticipatory bail to the petitioner Nos.1, 3, 5 to 8 and since the second petitioner was already secured by the respondent Police, this Court is not inclined to grant anticipatory bail to him.

6. Accordingly, this petition is partly allowed. In respect of the petitioner Nos.1, 3, 5 to 8, this petition is allowed and in respect of the second petitioner, this petition is dismissed, since he was arrested. The petitioner Nos.1, 3, 5 to 8 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 learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner Nos.1, 3, 5 to 8 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:



CRL OP(MD) No.1604 of 2024

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(a)if the petitioner Nos.1, 3, 5 to 8 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 Nos.1, 3, 5, 7 and 8 shall report before the respondent Police daily at 10.30 p.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required. The petitioner No.6 shall report before the respondent Police as and when required;

(d)the petitioner Nos.1, 3, 5 to 8 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner Nos.1, 3, 5 to 8 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 Nos.1, 3, 5 to 8 in accordance with law as if the conditions have been imposed and the petitioner Nos.1, 3, 5 to 8 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



CRL OP(MD) No.1604 of 2024

SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate No.VI,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thirunagar Police Station,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

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Date :02/02/2024



CRL OP(MD) No.1604 of 2024

ED/ VR /SAR- (07/02/2024) 6P / 5C

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