



CRL OP(MD) No.1853 of 2024

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1853 of 2024

1 PERIYASAMY
2 GANDHISELVAM
3 KATHIRESAN
4 MANICKAM
5 KANDASAMY

... PETITIONERS/ ACCUSED NO.1 TO 5

Vs

THE INSPECTOR OF POLICE
LALAPET POLICE STATION,
KARUR DISTRICT.
CRIME NO.49/2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.ARUNRAJ, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.49/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent
police for the alleged offence punishable under Sections 147, 294(b), 323 IPC r/w



CRL OP(MD) No.1853 of 2024

Section 4 of the Tamilnadu Prohibition of Harassment of Women Act in Crime No.49

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of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners scolded the defacto complainant in filthy language and also assaulted her. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that the injured person has already been discharged from the hospita, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 No.I, Kulithalai, 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



CRL OP(MD) No.1853 of 2024

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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;

(c) the petitioners shall report before the respondent police 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;



CRL OP(MD) No.1853 of 2024

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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
07/02/2024

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/02/2024

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

gns

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE, LALAPET POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-1558[I] dated 07/02/2024)

ORDER
IN

CRL OP(MD) No.1853 of 2024
Date :07/02/2024

RS/VR/SAR-(15.02.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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