



CRL OP(MD) No.2281 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 ANBAZHAGAN

2 VAIYAPURI

3 BALAMURUGAN @ BALASUBRAMANIYAN

4 VINOTH @ VINOTHKUMAR

5 BALASINGAM

6 MUTHULAKSHMI

... PETITIONERS / ACCUSED 1 & 6

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT,
CRIME NO.86/2014

... RESPONDENT / COMPLAINANT

GURUNATHAN

... PETITIONER/PROPOSED 2nd RESPONDENT
in CRL MP(MD)No.2131 of 2024
in CRL OP(MD)No.2281 of 2024

For Petitioner : M/S.VINOTHKUMAR.B Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

For Intervener : Mr.S.VASHIK ALI, Advocate

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



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PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.86/2024 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 447, 506(i), 379(NP) IPC in Crime No.86 of 2024, seek anticipatory bail.

2.The case of the prosecution is that there is a property dispute between the parties, due to which, the petitioners trespassed into the defacto complainant's agricultural land and attacked him. They have also snatched the gold chain of the defacto complainant. 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. He would further submit that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Cr.No.86 of 2024 before the learned Judicial Magistrate No.2, Kulithalai, Karur and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant, after obtaining proper affidavit. In the event of petitioners succeeding in the present case, the amount will be refunded to them. Hence, he prayed to grant anticipatory bail to the petitioners.



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4.The learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioners by stating that already there is a property dispute pending between the parties, due to which, the accused persons attacked and snatched the chain of the defacto complainant.

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation is not yet completed.

6.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.2, Kulithalai, Karur 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:



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(a) as per the undertaking given by the petitioners, the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.86 of 2024 before the learned Judicial Magistrate No.2, Kulithalai, Karur and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeeding in the present case, the amount will be refunded to them.

(b) 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;

(c) 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;

(d) the petitioners shall report before the respondent police as and when required;



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(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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;

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

sd/-
21/02/2024

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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



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TO

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

+1. CC to M/S.S.VASHIK ALI, Advocate SR.No.2156 DATED 21/02/2024

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-2258[I] dated 22/02/2024)

ORDER

IN

CRL OP(MD) No.2281 of 2024

Date :21/02/2024

SS/GS/SAR- /29/02/2024/6P/7C

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