



CRL OP(MD) No.2379 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2379 of 2024

1 MUTHU SUBRAMANIAN

2 PREMNATH

3 KUMAR

(*)4 RANI @ SELVARANI

5 SIVAGAMI

... PETITIONERS / ACCUSED 1 TO 5

Vs

THE INSPECTOR OF POLICE
NAGUDI POLICE STATION
PUDUKOTTAI DISTRICT.

CRIME NO. 250/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KHARIKHARADAS.K Advocate

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

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



CRL OP(MD) No.2379 of 2024

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 250 OF 2023 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 under Sections 147, 294(b), 323 and 506(2) of IPC in Crime No.250 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the petitioners and the defacto complainant, the petitioners abused the defacto complainant in with filthy language and threatened her with dire consequences and also attacked her. 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 in Crime No.249 of 2023 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the dispute between the parties with regard to pathway and it is a case and case in counter. Already counter case has been registered against the defacto complainant in Crime No.249 of 2023.



CRL OP(MD) No.2379 of 2024

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5. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter and already, counter case has been registered against the defacto complainant, 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 **learned Judicial Magistrate, Aranthangi, Pudukottai 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;

(c) the petitioners 1 to 3 shall report before the respondent police daily at



CRL OP(MD) No.2379 of 2024

10.30 a.m for a period of two weeks and thereafter, as and required for interrogation, and the petitioners 4 & 5 shall report before the respondent police as and required for interrogation;

(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/-
15/02/2024

**(*)CAUSE TITLE AMENDED AS PER ORDER
OF THE COURT DATED 28.02.2024 in CRL MP
(MD).2493/2024 in CRL OP(MD).2379/2024.**

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD) No.2379 of 2024

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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 15/02/2024 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
NAGUDI POLICE STATION
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.K.KHARIHARADAS, Advocate (SR-1949[I] dated 15/02/2024)

ORDER

IN

CRL OP(MD) No.2379 of 2024

Date :15/02/2024

SA/GS/SAR. /21.02.2024/5P/6C

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SS/GS/SAR- /14/03/2024/5P/6C

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