



CRL OP(MD) No.2863 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2863 of 2024

1 M.KABILAKARAN

2 SARASARAN

3 LEELA

... Petitioners / Accused No.1 to 3

Vs

THE SUB INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.34/2024.)

... Respondent / Complainant

For Petitioners : M/s.S.Alagusundar, Advocate

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

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.34/2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 147, 294(b), 323, 324 and 506(ii) IPC, in Crime No.34 of 2024, seek anticipatory bail.

2.The case of the prosecution is that it is a property dispute between the petitioners' father and the defacto complainant and due to that, on 30.01.2024, there was dispute arose between two families and subsequently, the petitioners attacked the defacto complainant and her husband, scolded them using filthy language and threatened them 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 and they have been falsely implicated in this case. The defacto complainant's husband is the brother of petitioners' father and there is civil dispute between them. It is a case and counter case and the counter case has been registered in crime No.33 of 2024 against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that it is a property dispute between the families of the defacto complainant and the petitioners and the injured are discharged from the hospital and it is the case and counter case.



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Hence, he has no objection to grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and also considering the fact that injured are discharged from the hospital and it is the case and counter case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is 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, Melur, 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;

(c)the petitioner Nos.1 and 2 shall report before the respondent Police daily at



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10.30 a.m., until further orders and the petitioner No.3 shall report before the respondent Police as and when 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/-
23/02/2024

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

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To

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1.The Judicial Magistrate,
Melur, Madurai District.

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

3.The Sub Inspector of Police,
Kottampatti Police Station,
Madurai District.

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

+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-2294[I] dated 23/02/2024)

ORDER
IN

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Date :23/02/2024

ED/ VR /SAR- (29/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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