



CRL OP(MD) No.3255 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 MURUGAN
2 JOTHILAKSHMI
3 VANTHIMALAIYAN @ VANDIMALAYAN
4 MANIKANDAN
5 JEYA @ GURUJEYA
6 SUBBULAKSHMI
7 PONSELVI

... PETITIONERS/ACCUSED NO.1-7

Vs

THE INSPECTOR OF POLICE
PALANICHETTYPATI POLICE STATION,
THENI DISTRICT.
CRIME NO. 92 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.VADIVEL, 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.92 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-



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The petitioners/ A1 to A7, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323 and 506(ii) of IPC, in Crime No.92 of 2024, seek anticipatory bail.

2.The case of the prosecution is that on 20.02.2024, when the defacto complainant's wife was closing the stagnate water channel with sand, the petitioners came there and abused her in filthy language and pulled her saree and attacked the defacto complainant's wife. That came to the knowledge of the defacto complainant and when the defacto complainant went to the occurrence place, all the accused attacked the defacto complainant also. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is a case and case in counter and the injured was already discharged from the hospital. However, on instruction, he further submitted that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.30,000/- to the de-facto complainant directly by way of demand draft. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervenor submitted that the injured person/defacto complainant sustained serious injuries and he has spent for more than Rs.1,00,000/- for treatment purposes and hence, he vehemently opposed to



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grant anticipatory bail to the petitioners.

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5.The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the injured was discharged from the hospital. However, considering the allegation levelled against the petitioners, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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 Judicial Magistrate Court, Theni, 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



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stand automatically cancelled;

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(b) the petitioners are directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by way of demand draft drawn in favour of the de-facto complainant, without prejudice to their rights and contentions and also produce the same before the concerned Court while executing sureties. Thereafter, the learned Magistrate shall handover the said demand draft to the de-facto complainant directly;

(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 1, 3 and 4 shall report before the respondent police daily at 10.30 a.m., until further orders; and the petitioners 2, 5 to 7 shall report before the respondent police as and when required for interrogation;

(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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
01/03/2024

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/03/2024

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

sjj

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.A.VADIVEL, Advocate (SR-2587[I] dated 01/03/2024)

ORDER IN
CRL OP(MD) No.3255 of 2024
Date :01/03/2024

RS/VR/SAR-(07.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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