



CRL OP(MD) No.3459 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.3459 of 2024

1 PANNEERSELVAM
2 BALRAJ
3 SELVARASU

... PETITIONERS/ACCUSED NOS.1, 3, 4

Vs

THE INSPECTOR OF POLICE
GANDARVAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.38/2024)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.SHANMUGAM, 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.38 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1, A3, A4, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 147, 294(b), 323, 336 and 506
(ii) of IPC in Crime No.38 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute pending between the
parties, a wordy quarrel arose between them, in which, both of them attacked each
other. Hence, the case.



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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 a false case has been foisted against them. Further, the co-accused were granted anticipatory bail by this Court in CrI.O.P(MD) No.2050 of 2024 on 09.02.2024. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI. side) submitted that there was a wordy altercation, the above said incident had happened and it is a case and case in counter and injured are discharged from the hospital. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and counter case, injured are discharged from the hospital and co-accused were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 learned District Munsif cum Judicial Magistrate, Gandarvakottai, Pudukkottai District, on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the satisfaction of the respondent



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police or the police officer who intends to arrest or to the satisfaction of the learned

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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 petitioners shall affix their photographs and left thumb impression in the 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 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;



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

sd/-
05/03/2024

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/03/2024

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

INDU

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, GANDARVAKOTTAI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, GANDARVAKOTTAI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-2819[I] dated 06/03/2024)

ORDER IN
CRL OP(MD) No.3459 of 2024
Date :05/03/2024

RS/GS/SAR-(14.03.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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