



CRL OP(MD) No.3472 of 2024

WEB COPY

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.3472 of 2024

1 MUTHUKUMAR

2 PRABHU

3 MURUGESAN

... PETITIONERS/ ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.
CRIME NO.508 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.BALAJI, Advocate

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

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.508 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 294(b), 323, 427 and 506(i) IPC, in Crime No.508 of



CRL OP(MD) No.3472 of 2024

2023, seek anticipatory bail.

WEB COPY

2. The case of the prosecution is that the defacto complainant let his property for public to access the road, but the first petitioner encroached the said land and running a mechanic shop and when the same was questioned by the defacto complainant, the petitioners attacked the defacto complainant, caused damage to his two wheeler and also threatened him 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. Further, the injured is discharged from the hospital. Further, it is a case and counter case and the counter case has been registered in Crime No.290 of 2023. So, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that it is a pathway dispute between the parties. Further, injured is discharged from the hospital and it is the case and counter case. Hence, he has no objection to grant anticipatory bail to the petitioners.

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



CRL OP(MD) No.3472 of 2024

WEB COPY

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, 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 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 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required;

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



CRL OP(MD) No.3472 of 2024

(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/-
05/03/2024

/ TRUE COPY /

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

INDU
TO
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

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



CRL OP(MD) No.3472 of 2024

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

ORDER
IN
CRL OP(MD) No.3472 of 2024
Date :05/03/2024

SA/VR/SAR. /14.03.2024/5P/5C

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