



CRL OP(MD) No.3748 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3748 of 2024

1 THANGAPANDI @ THANGAPANDIYAN

2 UMADEVI

3 KARTHEESWARI

4 SURIYA @ SURYAPRAGASH ... PETITIONERS / ACCUSED No.1 TO 4

Vs

THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI CITY

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SENTHIL MURUGAN, 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. 50/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3748 of 2024

police for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC in Cr.No.50 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the defacto complainant and the first petitioner regarding the illicit intimacy of the defacto complainant's wife, due to which, on 31.01.2024 at about 02.30 p.m., the petitioners assaulted the defacto complainant with iron rod and threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are cousin brothers and they have not committed any offence as alleged by the prosecution and it appears to be a counter case and the petitioners have been falsely implicated in the present case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the injured was already discharged from the hospital. The investigation is pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.



CRL OP(MD) No.3748 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the facts that it appears to be a counter case and the injured was already discharged from the hospital, 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 Judicial Magistrate No.IV, Madurai, on condition that (*)**the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common 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



CRL OP(MD) No.3748 of 2024

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 and 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; and the petitioners 2 and 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;



CRL OP(MD) No.3748 of 2024

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

sd/-
08/03/2024

**(*)FOR BEING MENTIONED AS PER ORDER OF
THIS HON'BLE COURT DT.19/03/2024 IN
CRL.OP(MD).3748/2024.**

**Time is extended for further two weeks for executing
sureties, from the date of receipt of a copy of the
amended order.**

/ TRUE COPY /

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

SJI
TO

TO BE SUBSTITUTED WITH THE ORDER DT. 08/03/2024 ALREADEY
DESPATCHED

- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION, MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD) No.3748 of 2024

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-3417[I] dated 19/03/2024)

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ORDER

IN

CRL OP(MD) No.3748 of 2024

Date :08/03/2024

SS/GS/SAR- /13/03/2024/5P/6C

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PKP/GS/SAR /21.03.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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