



CRL OP(MD) No.3929 of 2024

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

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3929 of 2024

1 PADMANAPAN @ PATHMANAPAN

2 CHELLAMUTHU

3 KARPURASUNDARAPANDIYAN

... PETITIONERS/ ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI, MADURAI DISTRICT
CR. NO 55/2024,

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.PRAVEENKUMAR, 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.55 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 341, 294(b), 323 and 324 of IPC in
Cr.No.55 of 2024, seek anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant is the councillor of the second ward, E.Gopalapuram in Elumalai Town Panchayat. On 05.03.2024, in order to construct sewerage, they have unloaded stone and sand. The first petitioner has stolen the sand and stone for his own use. When the same was questioned by the defacto complainant, a wordy quarrel arose between them. On 06.03.2024 at about 05.30 a.m., the defacto complainant went through the petitioner's house, the petitioners attacked the defacto complainant. Thereby, the defacto complainant sustained injuries. 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 they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that due to election motive, the petitioners attacked the defacto complainant and hence, he strongly opposed to grant anticipatory bail to the petitioners. However, he fairly conceded that the injured was already discharged from the hospital.

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



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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.II, Usilampatti, 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, 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;



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(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/03/2024

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/03/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, ELUMALAI POLICE STATION, MADURAI.
MADURAI DISTRICT.

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

+1 CC to M/s.P.PRAVEEN KUMAR, Advocate (SR-3205[I] dated 14/03/2024)



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ORDER

IN

CRL OP(MD) No.3929 of 2024

Date :12/03/2024

RS/VR/SAR-(18.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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