



CRL OP(MD) No.3951 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3951 of 2024

1 M. RAJARAM

2 S. ABDUL RAHUMAN ... PETITIONER/ ACCUSED RANK NOT KNOWN

Vs

1.THE INSPECTOR OF POLICE
MATTUTHAVANI POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
CR.NO.670/2023

... RESPONDENT/COMPLAINANT

2.MUTHUSELVAM

...INTERVENING PETITIONER/
DEFACTO COMPLAINANT

For Petitioner : M/S.JAINULABUDHEEN.A Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

For Intervener : MR.M.PITCHAI MUTHU, Advocate

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.670/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324 & 506(2) IPC in Crime No.670 of 2023, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant and his friend ate dinner nearby Mattuthavani fruit market junction. At that time the accused persons were smoking and the defacto complainant's friend advised them to leave away. Due to which, the accused persons attacked the defacto complainant and his friends. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.

4.The learned counsel appearing for the intervenor would submit that when the accused persons were smoking, the defacto complainant and his friends requested them to leave the place, for which, they attacked the defacto complainant and caused grievous injuries. Therefore, this Court may grant anticipatory bail to the petitioners



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by imposing cost.

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5.At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.5,000/- for the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District.

6.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the injured person has already been discharged from the hospital.

7.Considering the facts and circumstances of the case and considering the fact that injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are granted anticipatory bail and they 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.VI, Madurai, on condition that the petitioners shall execute a bond for



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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)as per the undertaking given by the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) jointly in the name of the Narasingam Village Panchayat-225262 [Account No.7387086170; MICR Code: 600019053 CIF No: 03262384860, IFSC Code: IDBI000S004, Indian Bank, Saidapet Branch, Chennai], for restoration of Kanmai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(b)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;



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



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

sd/-
13/03/2024

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/03/2024

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

GNS

TO

1.THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE
MATTUTHAVANI POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT

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

COPY TO

THE PRESIDENT,
NARASINGAM VILLAGE PANCHAYAT,
NARASINGAM
MADURAI.

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



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ORDER

IN

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Date :13/03/2024

RK/VR (27/03/2024) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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