



CRL OP(MD) No.3990 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

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1 ARUMUGAM

2 T.PRIYA

3 SARANYA @ SARANYA ALAGARSAMY

4 SABAREESWARI @ SABAREESWARI HARIKUMAR

5 ELAMMAL

6 PANDIYAMMAL

7 SANTHI @ SANTHI SEKAR

... PETITIONERS/ACCUSED NO.1-7

Vs

THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 56 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.G.ANTO PRINCE, 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.56 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-



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The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323 and 379 of IPC in Cr.No.56 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute, the petitioners abused the de-facto complainant in filthy language and attacked him. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that after seven days from the date of occurrence, the defacto complainant lodged the complaint before the respondent police and it is purely a pathway dispute and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that due to pathway dispute, the above said occurrence had taken place and it is a case and case in counter. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that counter case is pending against the defacto complainant and the delay in filing the FIR, 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



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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, Madurai, Madurai District, 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 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 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



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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/-

13/03/2024

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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, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

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

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-3133[I] dated 13/03/2024)



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ORDER

IN

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Date :13/03/2024

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

Madurai Bench of Madras High Court is issuing
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