



CRL OP(MD) No.4908 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4908 of 2024

1 VIGNESH

2 DHINESH

... PETITIONERS/ ACCUSED NO.1&3

Vs

THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S GURUMOORTHY 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.65/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A3, who apprehend arrest at the hands of the respondent
police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC in

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



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Crime No.65 of 2024, on the file of the respondent Police, seek anticipatory bail.

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2.The case of the prosecution is that when the defacto complainant and his friends have consumed liquor, the accused person approached them and demanded Rs.50/- for buying liquor and the same was refused by the defacto complainant. Therefore, the accused persons attacked the defact 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 Government Advocate (Crl.side) appearing for the respondent police would submit that the first petitioner filed a petition for anticipatory bail before the Court below and the same was allowed. He would further submit that the injured person has already been discharged from the hospital.

5.Since the first petitioner filed a petition before the Court below and the same was ordered, this criminal original petition is dismissed insofar as the first petitioner



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is concerned. Considering the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the 2nd petitioner.

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his 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, Kumbakonam, on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 2nd petitioner 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;



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(c)the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., daily at 10.30 am., for a period of two weeks and thereafter, as and when required;

(d)the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner 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.



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7.In the result, this criminal original petition is partly-allowed.

sd/-
28/03/2024

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/04/2024

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

GNS

TO

1.THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-3896[I] dated 28/03/2024)

ORDER
IN

CRL OP(MD) No.4908 of 2024
Date :28/03/2024

RK/VR(16/04/2024) 5P /6C

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