



Crl.O.P.(MD) No.6856 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.05.2024

PRESENT

THE HON'BLE MR.JUSTICE P.VADAMALAI

Crl.O.P.(MD) No.6856 of 2024

1.Vimalkumar

2.R.Ramkumar

3.Abdul Rahuman @ Rahuman

... Petitioners/ Accused Nos.1 to 3

Vs.

**State represented through
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
(Crime No.161 of 2024)**

... Respondent/Complainant

For Petitioners : Mr.M.Kannan,Advocate

**For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)**

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.161 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/accused 1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 & 506(2) of IPC, in Crime No.161 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 23.04.2024, at about 11.15 p.m., when the de facto complainant was riding his two wheeler near the Forest Check Post, Pazhani, unexpectedly, the de facto complainant hit a two wheeler. At that time, the petitioners/accused who are the third persons came there and assaulted the de facto complainant by using wooden log and iron rod and also threatened him with dire consequences. Due to heavy blood loss, the de facto complainant went unconscious and was thereafter admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital and there is no previous case against the petitioners.



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5. Taking into consideration of the facts and circumstances of the case and the fact that the injured has already been discharged from the hospital and also the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of their 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, Kodaikkanal, Dindigul District, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] 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 are 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].

[f] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A of IPC.

sd/-
16/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KODAIKKANAL, DINDIGUL DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



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3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-5527[I] dated 16/05/2024)

ORDER
IN

CRL OP(MD) No.6856 of 2024

Date :16/05/2024

PKP/VR/SAR /22.05.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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