



CRL OP(MD)No.7228 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7228 of 2024

1.Muthaiya

2.Thangathai

3.Pandiarajan

... Petitioners/ Accused No.1 to 3

Vs

State Rep. By
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.158 of 2024)

... Respondent/Complainant

M.Suruli

...Petitioner/Intervenor/Defacto complainant
in CRL MP(MD)No.5315 of 2024

For Petitioners : Mr.M.Raghumankhan, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.side)

For Intevener : MR.R.C.Paulkanagaraj, Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 323 and 506(2) of IPC in Crime No.158 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the third petitioner is a military officer and the first and second petitioners are his parents. Due to some property dispute, the petitioners attacked the defacto complainant and threatened with dire consequences. Hence, the complaint.

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



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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 the petitioners have no previous cases.

5.Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and the petitioners have no previous cases, this Court is inclined to grant anticipatory bail to the first and second petitioners with certain conditions and the third petitioner being a military man is directed to join duty immediately.

6.Accordingly, the first and second 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, Periyakulam, Theni District, on condition that the first and second 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:



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[a]the first and second 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 first and second petitioners shall stay at Peraiyur and report before the learned Judicial Magistrate, Peraiyur daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first and second petitioners in accordance with law as if the conditions have been imposed and the first and second petitioners are released on bail by the learned Magistrate/Trial Court himself as laid



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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
24/05/2024

/ TRUE COPY /

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

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TO

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3.THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO
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THE JUDICIAL MAGISTRATE, PERAIYUR

ORDER
IN
CRL OP(MD) No.7228 of 2024
Date :24/05/2024

RK/GS(29/05/2024) 6P / 6C

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