



CRL OP(MD). No.7229 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/05/2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Mohammed Ashik

2. Prakadeeswaran

... Petitioners/ Accused Nos.2 & 3

Vs

The Inspector of Police,
Golden Rock Police Station,
Trichy City.
Crime No.1814 of 2023.

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1814 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused 2 and 3, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 341, 294(b), 323, 420 and 506(2) IPC, in Crime No.1814 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant demanded the first accused to repay the amount to the tune of Rs.21,00,000/-, the petitioners had attacked the defacto complainant. 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. He would further submit that a civil suit is pending between the parties in O.S.No.660 of 2023 on the file of the learned Principal District Munsif, Trichy and the petitioners' names are not mentioned in the FIR.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first accused was granted anticipatory bail by this Court in Crl.O.P.(MD) No.342 of 2024, vide order dated 10.01.2024. He would further submit that no one was injured.

5. Taking into consideration the facts and circumstances of the case that there was money dispute pending between the parties and also the fact that no one was injured, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the 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, Court No.5, Trichy, 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 10.30 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.

[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].



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

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

MM

TO

- 1 THE JUDICIAL MAGISTRATE NO.5, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, GOLDEN ROCK POLICE STATION,
TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-5454[I] dated 16/05/2024)

ORDER

IN

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Date :15/05/2024

RS/GS/SAR-(21.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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