



CRL OP(MD). No.7262 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. Thiruneelakandan
2. Marimuthu,
3. Amutha @ Angaiyarkanni,
4. Palani @ Ramaiya,
5. Arthi @ Annalakshmi,
6. Neruppu Murugesu,
7. Dheenathayalan,

... Petitioners/ Accused 1 TO 7

Vs

The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.16 of 2024).

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)



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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 147, 448, 379 and 506(ii) of IPC, in Crime No.16 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, on 16.12.2023, when the defacto complainant and her husband were in their company, all the accused, violated the order passed by this Court in CrI.O.P.(MD) No.22175 of 2015, trespassed into their company with deadly weapons, abused them in filthy language, tried to attack them with iron rod and also stolen the copper wire and electrical appliances worth about Rs.40,000/-. 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



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prosecution. He would further submit that the date of occurrence is 16.12.2023, but the defacto complainant lodged a complaint after 20 days.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposes for the grant of anticipatory bail on the ground that A1 and A2 are having one previous case and A6 is having four previous cases. However, he fairly conceded that no one has been injured in this case.

5.Taking into consideration the facts and circumstances of the case and also the facts that it appears to be a civil dispute between the parties and no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Thottiyam, 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.



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[b]the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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]**.

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

sd/-
15/05/2024

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

SJI



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THOTTIYAM.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.LENIN KUMAR.T, Advocate (SR-5451[I] dated 16/05/2024)

ORDER

IN

CRL OP(MD) No.7262 of 2024

Date :15/05/2024

SS/VR/SAR- /20/05/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023