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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

CRL OP(MD). No.7316 of 2024

1.Sivakumar

2.Karthick

3.Kamal

4.Sabari ... Petitioners/ Accused Nos.1 to 4

Vs

The State represented by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.126 of 2024) ... Respondent/ Complainant

For Petitioners : Mr.M.Tamilselvan,Advocate.

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

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

PRAYER :-
For Anticipatory Bail in Crime No.126 of 2024 on the file of the Respondent police.

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ORDER : The Court made the following order :-

The petitioners/A.1 to A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) I.P.C., r/w Section 4 of TNPHW Act, in Crime No.126 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during temple festival, there was a wordy quarrel arose between the petitioners and the defacto complainant, consequent to the same, the petitioners abused the defacto complainant in filthy language, attacked him and also caused injuries. 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.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital. He would further submit that counter case in Crime No.125 of 2024 has been registered against the defacto complainant.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured has already been discharged from the hospital, counter case in

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Crime No.125 of 2024 has been registered against the defacto complainant and the petitioners are not having any previous 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 Judicial Magistrate, Musiri, 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 05.30 p.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 petitioner in accordance with

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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.

DAS

TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.

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

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+1 CC to M/s.TAMILSELVAN .M, Advocate ( SR-5457[I] dated 16/05/2024 )

ORDER
IN
CRL OP(MD) No.7316 of 2024
Date :15/05/2024

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

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

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