



CRL OP(MD). No.9686 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Kumarasamy,

2. Appu @ Velmurugan

... Petitioners/ Accused No.1&2

Vs

The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.10/2024.

... Respondents/ Complainants

For Petitioners : Mr.R.Sakthivel,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.10/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1&A2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC,
in Crime No.10 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant entered into an agreement with the petitioners for purchasing Rice Mill. However, thereafter, the petitioners refused to execute the sale deed in favour of him. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in filthy language and attacked him and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter. The injured has sustained only simple injury and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the it is a case and case in counter. The injured has sustained only simple injury and no previous case is pending against the petitioners.



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5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured has sustained only simple injury and no previous case is pending against the petitioners, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, Trichy 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one week and thereafter, as and when required for interrogation;



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(c)the petitioners shall not tamper with 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 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]*; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO

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1 THE JUDICIAL MAGISTRATE
MUSIRI TRICHY DISTRICT.

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.

+1 CC to M/s.R.SAKTHIVEL, Advocate (SR-7316[I] dated 03/07/2024)

ORDER
IN

CRL OP(MD) No.9686 of 2024

Date :03/07/2024

SS/VR/SAR- /09/07/2024/5P/6C

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