



CRL OP(MD). No.9772 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2024

PRESENT

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

CRL OP(MD). No.9772 of 2024

1. Chellam,

2. Chinnannan,

3. Kanaga,

4. Murugan,

... Petitioners/ Accused No.1 to 4

Vs

The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Cr No.269/2024..

... Respondent/Complainant

For Petitioners : D.Shanmugaraja Sethupathi,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 Cr NO.269/2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.9772 of 2024

WEB COPY

ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC, in Crime No.269 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to path way dispute, on 27.06.2024, at about 12.00 p.m, the petitioners said to have abused the defacto complainant in filthy language and also assaulted him with their hands 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 and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that due to path way dispute, the petitioners said to have abused the defacto complainant in filthy language and also assaulted him with their hands and caused injuries. The fourth petitioner is having 1 previous case. However, he fairly conceded that it is a case and case in counter and the injured was discharged from the hospital.



CRL OP(MD). No.9772 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was discharged from the hospital, 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 Court-II, Sivagangai, 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 two weeks and thereafter, as and when required for interrogation;

(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



CRL OP(MD). No.9772 of 2024

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/-
04/07/2024

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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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.



CRL OP(MD). No.9772 of 2024

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

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-7402[I] dated 04/07/2024)

ORDER
IN
CRL OP(MD) No.9772 of 2024
Date :04/07/2024

PKP/VR/SAR /10.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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