



CRL OP(MD). No.9983 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

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

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1. Rajkumar
2. Murugan
3. Muthammal
4. Pravinkumar
5. Rajeshwari

... Petitioners/ Accused Nos.1 to 5

Vs

The Inspector of Police,
Odapatti Police Station,
Theni District.
Crime No.105/2024

... Respondent/Complainant

For Petitioners : Mr.K.Kevin Karan, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.105/2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(i) of



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IPC and Section 4 of TNPHW Act r/w Section 5, 24(a) of Arms Act, in Crime No.105

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of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioners are said to have abused the defacto complainant, his mother and his uncle in filthy language and also attacked them and also threatened them with Air Gun. 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 persons were discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the first petitioner is having 5 previous cases and the investigation is in preliminary stage. However, he fairly conceded that it is a case and case in counter and the injured persons were discharged from the hospital.

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 persons were discharged from the hospital, 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 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, Uthamapalayam, 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 four 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 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;



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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
05/07/2024

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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, UTHAMAPALAYAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ODAPATTI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.KEVIIN KARAN, Advocate (SR-7593[I] dated 08/07/2024)

ORDER IN
CRL OP(MD) No.9983 of 2024
Date :05/07/2024

RS/JGB/SAR-(18.07.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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