



CRL OP(MD). No.10108 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

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1. Karthikeyan
2. Manimuthu
3. Ragavan @ Balaragaventhiran
4. Ramprasath
5. Sarathkumar
6. Pandi @ Nagapandi

... Petitioners/ Accused No.1 to 6

7. Ajithkumar

... Petitioner/Rank Not Known Accused

Vs

The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Cr.No.249/2024

... Respondent/Complainant

Kishok Raj

... Intervener/Defacto Complainant

In CRL MP(MD).7034/2024 in CRL OP(MD).10108/2024

For Petitioners : Mr.A.V.Arun, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : Mr.T.Lenin Kumar, Advocate.

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



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PRAYER :-

For Anticipatory Bail in Crime No.249/2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 115(2), 118(1), 351(3) of BNS, in Crime No.249 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute between the parties, on 02.07.2024 the petitioners said to have entered into the land of the defacto complainant and damaged the iron sheet and abused the defacto complainant in filthy language and assaulted him with iron rod & stone and caused injuries to him. 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 the it is a case and case in counter. The injured was discharged from the hospital and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the defacto complainant would submit that the petitioners have made serious life threats to the petitioner. If they released on bail, they will stall the investigation and also attempt to tamper the witnesses. Hence, he



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prayed for dismissal of the petition.

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5.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending. But, however, he fairly conceded that it is a case and case in counter. The injured was discharged from the hospital and no previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured was discharged from the hospital and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Nilakottai, Dindigul 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



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a period of four weeks 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/-

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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, NILAKOTTAI DINDIGUL DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

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



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

+1 CC to M/s.A.V.ARUN, Advocate (SR-8114[I] dated 19/07/2024)

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-8193[I] dated 19/07/2024)

ORDER
IN

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Date :18/07/2024

RS/JGB/SAR-(25.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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