



CRL OP(MD). No.10473 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

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

CRL OP(MD). No.10473 of 2024

1. Kumar,

2. Manikandan,

3. Kabilan,

4. Sekar,

... Petitioners/ Accused No.1 to 4

Vs

The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Crime No. 156 of 2024.

... Respondent/Complainant

For Petitioners : M/s Vishnuram.G,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 156 of 2024 on the file of the respondent Police.



CRL OP(MD). No.10473 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioners/ A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 118(1), 109, 351(3) & 303(2) (N.H) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of TNPHW Act, in Crime No.156 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, on 05.07.2024 at about 08.15 p.m, when the defacto complainant, his wife and his son were standing in front of their house, the petitioners are said to have attacked the son of the defacto complainant with lethal weapons. When the same was prevented by the defacto complainant and his wife, they abused them in filthy language and threatened them dire consequences. 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 case and case in counter and the injured was discharged from the hospital. Further, 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 investigation is still pending. However, he fairly conceded that it is case and case in counter. The injured was discharged from the hospital and no previous case is



CRL OP(MD). No.10473 of 2024

pending against the petitioners. He would further submit that during the pendency of this petition, the second petitioner (A2) was arrested by the respondent police.

5.At this juncture, the learned counsel for the petitioners would submit that he is not pressed the petition insofar as the second petitioner (A2) is concerned and he has also made and endorsement to that effect.

6.In view of the submission and endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed insofar as the second petitioner (A2) is concerned.

7.Insofar as the petitioners 1, 3 & 4 is concerned, considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured persons were discharged from the hospital and no bad antecedent is reported against the petitioners 1, 3 & 4, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 & 4 with certain conditions.

8.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1, 3 & 4 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, Paramakudi, on condition that the petitioners 1, 3 & 4 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



CRL OP(MD). No.10473 of 2024

learned Magistrate concerned and on further conditions that:

WEB COPY

(a) the petitioners 1, 3 & 4 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 1, 3 & 4 shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(c) the petitioners 1, 3 & 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1, 3 & 4 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 1, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 & 4 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;



CRL OP(MD). No.10473 of 2024

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

WEB COPY

229-A IPC.

sd/-

15/07/2024

/ TRUE COPY /

/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. The Judicial Magistrate,
Paramakudi..
2. Do-Through:
The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD). No.10473 of 2024

WEB COPY
+1 CC to M/s.G.VISHNURAM, Advocate (SR-7954[I] dated 16/07/2024)

CRL OP(MD) No.10473 of 2024
Date : 15/07/2024

SL(29.07.2024)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.