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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19367 of 2024

1. Surya,
S/o Kalludaiyan,

2. Alexpandiyani Mari,
S/o Mari,

3. Alagarsamy,
S/o Alagumalai,

4. Dinesh Kumar,
S/o Ramar,

... Petitioners/ Accused Nos.1 to 4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No. 433 of 2024.

... Respondent/ Complainant

For Petitioners : Mr.Suriya R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)



For Anticipatory Bail in Crime No. 433 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent Police for the offence under Sections 126(2), 296(b), 115(2), 118(1), 351(2) of IPC r/w Section 4 of TNPWH Act in Crime No.433 of 2024 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 02.11.2024 the petitioners attacked the defacto complainant and his mother.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and considering the fact that there was a property dispute between the parties and also considering that Accused Nos.1 and 2 have one previous case and Accused Nos.3 and 4 do not have any previous case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail



date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police 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 petitioner 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 absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
11/11/2024

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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



+1. CC to M/S. SURIYA R Advocate SR.No.64355

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ORDER

IN

CRL OP(MD) No.19367 of 2024

Date :11/11/2024

MGJ(25.11.2024) 5P 6C

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