



CRL OP(MD) No.22825 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 SASI

2 VANDUGADURAI

3 KAMATCHI

4 MUTHUKAMATCHI

5 RAJATHI

6 PANJAVARNAM

... PETITIONERS/ ACCUSED NO.1 TO 6

Vs

THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.
(CRIME NO.434/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.ALTHAF SHERIFF, Advocate
for M/S.AJMAL ASSOCIATES Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

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



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PRAYER:
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FOR ANTICIPATORY BAIL IN CRIME NO.434/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 143, 201 and 506(i) IPC in Crime No.434 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 09.10.2023, when the defacto complainant was sleeping in her house, she heard some weeping sound behind the entrance door. On hearing the said sound, she had opened the door and one Kaleeswari was standing and stated that she saw her mother with bleeding nose and tried to wake up her mother but her attempts had gone in vain. Further, the defacto complainant had seen one Sasi who was hiding behind the door. Subsequently, the accused persons conducted funeral process without informing the relatives and neighbours. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have

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been falsely implicated in this case. He would further submit that during the pendency of this petition, A1, A2 and A4 were arrested.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the accused Nos.1, 2 and 4 were arrested and the investigation is yet to be completed.

5. Since the petitioner Nos.1, 2 and 4/accused Nos.1, 2 and 4 were arrested during the pendency of this petition, this Criminal Original Petition is dismissed against the petitioner Nos.1, 2 and 4.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner Nos.3, 5 and 6, this Court is inclined to grant anticipatory bail to the petitioner Nos.3, 5 and 6.

7. Accordingly, the petitioner Nos.3, 5 and 6 are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner Nos.3, 5 and 6



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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 learned Magistrate concerned and on further condition that:

(a)if the petitioner Nos.3, 5 and 6 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner Nos.3, 5 and 6 shall report before the respondent police as and when required for interrogation;

(d)the petitioner Nos.3, 5 and 6 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner Nos.3, 5 and 6 shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner Nos.3, 5 and 6 in accordance with law as if the conditions have been imposed and the petitioner Nos.3,



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5 and 6 released on bail by the learned Magistrate/Trial Court himself as laid down
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by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW
5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC;

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1.THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-180[I] dated 05/01/2024)



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ORDER

IN

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Date :04/01/2024

RK /VR(23/01/2024) 6P / 6C

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