



CRL OP(MD) No.23564 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23564 of 2023

1 SANTHAKUMAR

2 SATHEESH

3 RAJ

4 SAKTHIVEL ... PETITIONERS/ ACCUSED RANK NO.NOT KNOWN

Vs

THE INSPECTOR OF POLICE
VELLIYANAI POLICE STATION,
KARUR.
(IN CRIME NO.390 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.SEKAR Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

FOR ANTICIPATORY BAIL IN CRIME NO.390 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for



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the alleged offence under Sections 147, 294(b), 323, 427 and 506(ii) IPC in Crime

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No.390 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 09.12.2023 at about 2.45 hours the petitioner parked his four wheeler vehicle in front of the defacto complainant's tea shop. When the same was questioned by the defacto complainant, he was scolded in filthy language. So, the defacto complainant took and withheld the key of the vehicle. On the same day at 6.30 hours, the petitioners along with four persons came to the defacto complainant's shop, attacked him and damaged the bottles kept in the shop. After that, the defacto complainant found that his five sovereigns of gold chain and Rs.2,13,000/- were missing. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority. Hence, this petition is filed seeking anticipatory bail.

3. The learned counsel appearing for the petitioner would submit that though there was wordy quarrel between the petitioner and the defacto complainant, there is no injury sustained by the defacto complainant. Further, the petitioner is ready to pay Rs.10,000/- to the defacto complainant by way of Demand Draft, without prejudice his right and contentions before the concerned trial Court. Hence, he prays for grant of anticipatory bail.



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4.The learned Government Advocate (Crl.Side) would submit that the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit Rs.10,000/- through Demand Draft in favour of the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 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;



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(b)the petitioner shall make a deposit of Rs.10,000/- (Rupees Ten Thousand only) through demand draft in favour of the defacto complainant, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

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

sd/-
03/01/2024

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/01/2024

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

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.II
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE
VELLIYANAI POLICE STATION,
KARUR.

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

+1 CC to M/s.B.SEKAR, Advocate (SR-281[I] dated 05/01/2024)

ORDER
IN

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Date :03/01/2024

SS/VR/SAR- /09/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023