



CrI.O.P.(MD) No.8002 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD) No.8002 of 2024

1.M.Senthil @ Senthilkumar

2.R.Mani @ Manikandan

... Petitioners/ Accused No.1 & 2

Vs.

State through
The Inspector of Police,
Srirangam Police Station,
Trichy City.
(Crime No.564 of 2024)

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate

For Respondent : Mr.S.S.Madhavan
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.564 of 2024 on the file of the respondent police.



Crl.O.P.(MD) No.8002 of 2024

ORDER : The Court made the following order :-

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The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 & 506(ii) of I.P.C., in Crime No.564 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.05.2024, when the *de facto* complainant went to meet his friend Hari, due to the previous dispute, the petitioners were indulging in quarrel with the said Hari. At that time, the *de facto* complainant requested the petitioners to desist themselves from abusing the said Hari, whereupon, the petitioners abused the *de facto* complainant and his friends including the said Hari and attacked them with wooden log and caused injury to them. Thereafter, the petitioners vandalized the wind shield of the four-wheeler worth about Rs.1,500/-. The *de facto* complainant and his friends went to the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the



Crl.O.P.(MD) No.8002 of 2024

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prosecution and that a false case has been foisted against the petitioners. He would further submit that on the date of occurrence, the *de facto* complainant and his friends teased the petitioner by telling the previous dispute between them. When the petitioners questioned the same, they abused them in filthy language, as a result of which, there was scuffle between them. The public pacified them. Thereafter, all of them went away. He would further submit that in order to make a false complaint, the *de facto* complainant and his friends went to the hospital and after few hours, they went out from the hospital. Hence, he would seek anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there was a previous dispute between parties, in continuation of which, on 26.05.2024, there was scuffle between them. In the incident, the *de facto* complainant and his friends were attacked by the petitioners and that they went to the hospital and were discharged from the hospital on the same day.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured have already been discharged from the hospital on the same



Crl.O.P.(MD) No.8002 of 2024

day, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of their 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 District Munsif cum Judicial Magistrate, Srirangam, Trichy 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 Aadhaar Card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.



Crl.O.P.(MD) No.8002 of 2024

WEB COPY

[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 are 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].

[f] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A of IPC.

sd/-
30/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY DISTRICT.



Crl.O.P.(MD) No.8002 of 2024

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,TRICHY CITY.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-6000[I] dated 30/05/2024)

ORDER
IN
CRL OP(MD) No.8002 of 2024
Date :30/05/2024

SS/VR/SAR- /04/06/2024/6P/6C

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