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CRL OP(MD). No.7024 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7024 of 2020

1. KARTHICK
2. MANOJ @ MANOJ PRABHAKAR
3. ANANTH @ ANANDHAN
4. SHAM @ SAMPARIMALARAJ FRIDRICK
5. GABRIEL

... PETITIONERS/ACCUSED 1 TO 5

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI.
CRIME NO. 762 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.R.Laxman,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.762 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.762 of 2020 on the file of the respondent police, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The case of the prosecution is that due to dispute between two groups with regard to usage of Poromboke Land, the petitioners abused the defacto complainant using filthy language and also attacked him with wooden stick and criminally intimidated them. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that due to civil dispute between two groups, the defacto complainant attacked the petitioners and they have also lodged a complaint in Crime No.761 of 2020. As a counter blast, the defacto complainant lodged the present complaint against the petitioners. Hence, they seek anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that it is a case in counter. He further submitted that there is a group clash between two groups in the civil dispute.

6.Considering the facts and circumstances of the case and submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate Court, Thirumangalam, Madurai District, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble

<https://hcservices.mca.gov.in/hcservices/> P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
KALLIKUDI POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7024 of 2020
Date :06/07/2020

VSG
JM/PN/SAR 2/07.07.2020/3P/5C