



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

Date : 09/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) .No.12601 of 2020

1.Azhagammal
2.Manonmani

...Petitioners/Accused Nos.5 & 7

Vs

State represented by,
The Inspector of Police,
Ponnamaravathy Police Station,
Pudukottai District.
Cr.No.485 of 2020.

... Respondent/Complainant

For Petitioners: Mr.R.Senthil Kumar,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.485 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A5 & A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323 and 506(ii) of IPC and r/w 51(a) of Disaster Management Act, 2005, in Crime No.485 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, there was a wordy quarrel between the petitioners and the defacto complainant. Therefore, the petitioners restrained the defacto complainant to enter into a disputed land. Hence, the case has been registered.

3.The learned Government Advocate (Crl.Side), on instructions, submitted that the injured person has already been discharged from the hospital and there is no previous case against the petitioners.

4.Considering the fact that the injured person has already been discharged from the hospital and the petitioners are not having any



previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumayam, and on their executing 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 condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily morning at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as on 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 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 Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/11/2020

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/ /2020
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, TIRUMAYAM,
PUDUKKOTTAI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT

3. THE INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION,
PUDUKOTTAI DISTRICT

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

ORDER
IN
CRL OP(MD) No.12601 of 2020
Date : 09/11/2020

IAS/VSD

PK/SMA/SAR-II/11.11.2020 : 3P/5C