



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

Date : 30/12/2020

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16117 of 2020

Muthusamy ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
T.Pettai Police Station,
T.Pettai, Trichy District.
Crime No.808/2020

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.808/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(ii) IPC, in Crime No.808 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioner is said to have abused the defact complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that there is a land dispute between the parties for partition and it is purely civil in nature.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is a civil dispute between the parties and no one has sustained injury. He would further submit



that the value of the damaged property is not mentioned in the First Information Report.

5.Considering the above facts and circumstances of the case and also considering the fact that no one has injured, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his. appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuriayur 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix his 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 at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

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

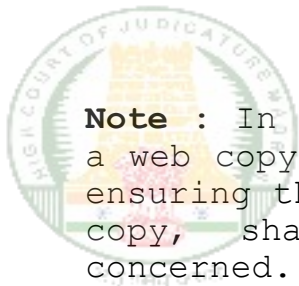
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
30/12/2020

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.16117 of 2020
Date :30/12/2020

TRP/OGY
TK/VR/SAR.1/04.01.2021/3P/5C