



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.174 of 2021

1.Kasammal
2.Anbuselvam
3.Viji @ Vijayalakshmi
4.Muthu @ Vinoth Kumar

... Petitioners/Accused
No.1 to 4

Vs

The State rep.by
The Inspector of Police,
Sedapatti Police Station,
Madurai District.
Crime No.2160 of 2020.

... Respondent/Complainant

For Petitioners : Mr.P.Senguttuarasan,
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.2160 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 342 & 506(ii)I.P.C., in Crime No.2160 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that while the petitioner was started to construct in his newly purchased land, the petitioners



encroached the common pathway and when the same was questioned by the defacto complainant, the petitioners attacked the defacto complainant with dire consequences.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

5.The learned Government Advocate(Crl.side) would submit that the dispute is between the petitioners and the defacto complainant, who is the adjacent land owner to the petitioners. There is no previous case against the petitioners and there is no injury.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case against the petitioners, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur, Madurai District on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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 petitioners shall report before the respondent police as and 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/01/2021

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

ORDER
IN
CRL OP(MD) No.174 of 2021
Date : 07/01/2021

VRN
TK/VR/SAR.1/11.01.2021/3P/5C