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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.359 of 2021

1. Murugan
2. Mala
3. Boopathi
4. Maruthu Suresh ... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanthapuram District.
Crime No. 375/2020. ... Respondent/Complainant

For Petitioners : Mr.T.Veerakumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 375/2020 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), 323,506(i) and 109 IPC, in Crime No.375 of 2020 on the file of the respondent police, seek anticipatory bail.

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3.The case of the prosecution is that there was a land dispute between the defacto complainant and the petitioners. It is alleged that when the defacto complainant tried to cultivate in the disputed land, the 1st petitioner on the instigation of the petitioners 2 to 4 assaulted the defacto complainant.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they are prepared to furnish substantial sureties due their appearance.

5.The learned Government Advocate(Crl.side) would submit that there is a pathway dispute between the parties. The injured person was discharged from the hospital.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that injured was already discharged from the hospital, 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, Kadaladi, Ramanathapuram District 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 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;

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

sd/-
21/01/2021

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/ /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.

TO

1.THE JUDICIAL MAGISTRATE,
KADALADI, RAMANATHAPURAM DISTRICT.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANTHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.359 of 2021
Date :21/01/2021

VRN
AE/SMA/SAR-III (29/01/2021) 3P / 5C

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