



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3518 of 2021

1. V.S.R.Kowshik

2. R.Aruna

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai.

Crime. No.240 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Janarth Kumar.B,
Advocate.

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

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

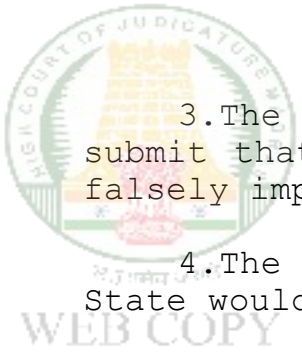
PRAYER :-

For Anticipatory Bail in Crime No.240 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 452, 294(b), 506(ii) and 379(NH) of IPC, seek anticipatory bail.

2.The case of the prosecution is that de-facto complainant and the first petitioner are brothers. The de-facto complainant kept some sreedhana properties in the upstairs of petitioners' house. On the date of occurrence, the petitioners opened the door and took articles, when the same was questioned by the de-facto complainant, the first petitioner attacked the de-facto complainant and abused him with filthy language. Hence, the complaint.



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

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is pending.

5.It is seen that the de-facto complainant is none other than the brother of the first petitioner, there is a property dispute between them, in fact the de-facto complainant had filed a civil suit in O.S.No.36 of 2021 against his father and another brother during January 2021. Thereafter, the present complaint has been filed on 19.02.2021.

6.Considering the facts and circumstances of the case and also considering the fact that there is a civil dispute between the parties, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute 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 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/-
05/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

sjj

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 NO.I,
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3518 of 2021
Date :05/03/2021

NR/VR/SAR-II(10.03.2021) 3P:5C