



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

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PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6395 of 2021

1. Chithambaram
2. Prabhu

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Sub-Inspector of Police,
Kalakad Police Station,
Tirunelveli District
Crime No.194/2021.

... Respondent/Complainant

For Petitioners : Mr.Susi Kumar, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.194/2021 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 alleged offences punishable under Sections 451, 427, 294(b), 506(ii) and 109 of IPC in Crime No.194 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. The case of the prosecution is that due to civil dispute between the petitioners and the de-facto complainant, the petitioners said to have trespassed into the de-facto complainant's house and attacked de-facto complainant and also caused damage to the compound wall worth about Rs.10,000/-. Hence, the complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioners are having no previous case and on one sustained injury in the scene of occurrence.

6.Considering the facts and circumstances of the case, the fact that no previous case is pending against the petitioners and that there is a civil dispute, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District 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 conditions 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 cards or Bank pass Books to ensure their identity;

(b)the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Secretariat Branch, Chennai-9 (Indian Overseas Bank, Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

(c)the petitioners shall report before the respondent police every Monday at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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



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

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sd/-
05/05/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI,
TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT,
CHENNAI-9

ORDER
IN
CRL OP (MD) No.6395 of 2021
Date : 05/05/2021

SJI

TE/AKM/SAR-I : 18/05/2021 : 3P/6C

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