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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9848 of 2021

1. Pandimeenal
2. Senthilnathan @ Sathiah ... Petitioners/Accused No.1&2

Vs

The State Rep. by,
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No.85 of 2021). ... Respondent/Complainant

For Petitioners : M/s.Muniyandi S,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.85 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 alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.85 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, the petitioners said to have attacked the de-facto complainant with hands and stick and abused him in filthy language. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that there is a case and case in counter had been registered against the de-facto complainant in Crime No.84 of 2021 on the basis of the complaint given by the petitioners. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is pending and the first petitioner is having one previous case pending against him.

5.Considering the facts and circumstances of the case and the fact that there is a enmity between the parties with regard to the land and there were frequent quarrel and fight between them and the fact that this is case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District, 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 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, daily at 10.30 a.m., until further orders;

[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]**;



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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,
DEVAKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARAVAYAL POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9848 of 2021
Date :23/07/2021

sj i
USK/JC/SAR-I : 27/07/2021 : 3P/5C