



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10937 of 2021

Murugesan

... Petitioner/Accused

Vs

The Inspector of Police,
Palanichettypatti Police Station,
Theni District.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-

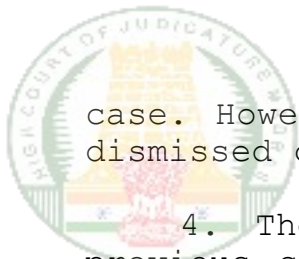
For Anticipatory Bail in Crime no.149 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 336 and 506(2) of IPC in Crime No.149 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 01.04.2021, due to pathway dispute, the petitioner had abused the defacto complainant in filthy language and attacked him with aruval. Hence, the complaint.

3. The learned Government Advocate (Criminal Side), on behalf of the respondent, would submit that no one has been injured in this



case. However, the earlier application filed by the petitioner was dismissed considering the bad antecedents of the petitioner.

4. The learned counsel for the petitioner submits that the previous case registered as against this petitioner is also at the instance of the defacto complainant. He further submits that there is a dispute between the petitioner and the defacto complainant with regard to a vacant land adjacent to the house, on account of which, the petitioner had already lodged a complaint to the respondent Police. However, the respondent Police has chosen to register the case as against this petitioner alone and has not registered any case as against the defacto complainant, since he is a politically influenced person.

5. Considering the nature of offence and the fact that no one has been injured in this case and that the previous case is also between the petitioner and the defacto complainant with regard to a property dispute, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

[a]the petitioner 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 petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

sd/-
10/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

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, Theni
2. Do-Through The Chief Judicial Magistrate, Theni
- 3.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.10937 of 2021

Date : 10.08.2021

CN(23.08.2021) 3P 5C