



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.10983 of 2021

1. Sadhasivam,

2. Tamilselvan,

3. Packiyaraj

... Petitioners/Accused No.1 to 3

Vs

State Rep. by

The Inspector of Police,

Musiri Police Station, Musiri, Trichy

District Cr.No.325 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Arunraj K,
Advocate.

For Respondent : Mr.T.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervener : Mr.Madhu

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

PRAYER :-

For Anticipatory bail in Crime No. 325 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379, 294(b), 427 and 506(i) IPC, in Crime No.325 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant and her mother were at their house, the petitioners assaulted and abused them in filthy language and also took away cow dung worth about of Rs.15,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there is a civil dispute between the petitioners and the defacto complainant and that therefore, the defacto complainant lodged a false case against the petitioners.

4.The learned counsel appearing for the defacto complainant submitted that the petitioners are having money and muscle power in their locality and they are threatening her to withdraw the



complaint now lodged. Hence, he prays for dismissal of this petition.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that no one was injured in occurrence.

6. Taking into consideration the facts and circumstances of the case and the fact that there is a civil dispute between the petitioners and the defacto complainant and no one is injured, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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, Musiri, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of 30 days and thereafter and when required for interrogation.

(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2021

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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

WEB COPY

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

CRL OP(MD) No.10983 of 2021
Date :26/08/2021

SB/SKN/SAR-I/09.09.2021/ 3P 5C