



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

Date : 16/08/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11270 of 2021

1. Nagoor Mydeen @ Soda
2. Ismail Mohaideen @ Ismail Mahaideen ... Petitioners/
Accused Nos. 1 & 2

Vs

The State rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli City.
Crime No. 1038 of 2020. ... Respondent/Complainant

For Petitioners : Mr.K.NAVANEETHARAJA
Advocate.
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.1038 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b) and 506(1) of IPC in Crime No.1038 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 05.11.2020, at about 10.00 am, while the defacto complainant was fencing his property, the petitioners trespassed into the property, abused the defacto complainant in filthy language and threatened him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that a civil dispute is pending between the petitioners and the defacto



complainant. Due to the said civil dispute, this case has been foisted against the petitioners.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that no one has been injured in this case.

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5. Considering the nature of offence, the fact that no one has been injured in this case and that civil dispute is pending between the parties, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Judicial Magistrate No.V, Tirunelveli 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[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].

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

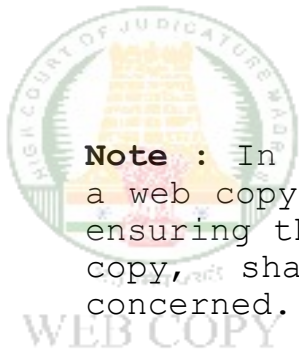
sd/-

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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 NO.V
TIRUNELVELI .
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11270 of 2021

Date :16/08/2021

SA/PN/SAR.3/23.08.2021/3P/5C