



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

Date : 19/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11356 of 2021

Siva

... Petitioner/Accused No.4

Vs

The State represented by
The Inspector of Police,
Vathalai Police Station,
Trichy District.
(Cr.No.274 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.Prabakaran,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.274 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), 324 and 506(2) of IPC in Crime No.274 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to a dispute in partitioning the property, the petitioner and other accused abused the defacto complainant, assaulted him and criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioner submits that due to civil dispute, the petitioner is falsely implicated in this case. He would further submit that A1 and A2 were granted anticipatory bail and A3 was remanded to judicial custody and released on bail.

4.The learned Government Advocate (Criminal Side), appearing for the respondent Police also concedes that A1 and A2 were granted anticipatory bail and A3 was released on bail.



5. Considering the nature of allegation as against the petitioner, the fact that the dispute is a civil dispute and that the co-accused have been granted bail and anticipatory bail, this Court is inclined to grant Anticipatory Bail to the petitioner. Accordingly, this petition is allowed.

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6. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Musiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required, 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]***; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/08/2021

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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



TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11356 of 2021
Date :19/08/2021

MBI
MS/JM/SAR-1/27.08.2021/3P.5C