



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12406 of 2021

1. Mariadhass @ Mariyadoss
2. Maria Boopathi
3. Dani @ Denish Navamani

... Petitioners/Accused
Nos. 1, 2 & 5

Vs

The State rep. by,
The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.
(Crime No.202 of 2021).

... Respondent/Complainant

Antony Savarimuthu

... Petitioner/De-facto
Complainant
(in Crl MP(MD)No.6693/2021

For Petitioners : M/s.Maheswaran. R, Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

For Intervenor : M/s.M.Manokumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.202 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1,2 & 5, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 147, 148, 294(b), 324, 449, 427 and 506(ii) of IPC,
in Crime No.202 of 2021 on the file of the respondent police, seek
anticipatory bail.



2. The case of the prosecution is that on 19.06.2021 the petitioners had unlawfully assembled with deadly weapons and trespassed into the house of the defacto complainant and abused him by using filthy language, attacked him with hands and weapons and caused simple injuries to him and also made criminal intimidation against him.

3. The learned counsel appearing for the petitioners would submit that at the intervention of the petitioners and the defacto complainant's well-wishers, they have sorted out the differences.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this is a case and case in counter.

5. Taking into consideration of the facts and circumstances of the case and the nature of allegation against this petitioners, the fact that the dispute is between the neighbours and the mediation has also been taken place between them and they have settled the issue, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 No.II, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judge 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 as and when required.

(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 petitioner 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**



55601; and;

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

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Sd/-
24/09/2021

/ TRUE COPY /

/ /2021

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

AM/CSM

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.II,
THOOTHUKUDI.
2. -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.12406 of 2021
Date :24/09/2021