



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12849 of 2021

1. Dharmaraj,
2. Ranjith,
3. Jevitha, ... Petitioners/Accused No.1 to 3

Vs

State rep by
The Sub Inspector of Police,
Lalgudi Police Station,
Trichy District. ... Respondent/Complainant

For Petitioners: M/s.Ganapathi Subramanian P,
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. 668 of 2021 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent Police, for the offence punishable under Sections 294
(b), 324, 427, 323 and 506(ii) IPC, in Crime No. 668 of 2021, seek
anticipatory bail.

2. The case of the prosecution is that there is a dispute with
regard to the pathway. The petitioners put up a fence in the pathway
and when the same was objected to by the defacto complainant, the
petitioners assaulted the defacto complainant and two others and
caused injuries.

3. The learned counsel for the petitioners submits that the
petitioners are innocents and they have not committed any offence as
alleged by the prosecution.



4. The learned Government Advocate (Crl. Side) submits that the investigation is still pending. He further submits that the injured had been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that there is a civil dispute between the parties and the injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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 learned Judicial Magistrate, Lalgudi, on condition that they 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioners shall not tamper with 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/-
07/09/2021

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

OGY



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

ORDER IN
CRL OP(MD) No.12849 of 2021
Date : 07/09/2021

TR/SKN/SAR-I(17.09.2021) 3P 5C