



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.11.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16979 of 2021

1.Senthilkumar
2.Muthukumar
3.Anusiya

... Petitioners/Accused Nos 1 to 3

Vs

The State rep.by,
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
In Crime No.98 of 2021.

... Respondent/Complainant

For Petitioners : Mr.S.M.Sanjay
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.98 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioners' second anticipatory bail application. The petitioners/A1 to A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime No.98 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioners' family and the de-facto complainant's family, on 26.08.2021, the petitioners tried to demolish the wall of the house, which belongs to the de-facto complainant. When the same was questioned by the de-facto complainant, the accused attacked the de-facto complainant and scolded him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they are in no way connected with the



offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail.

4.The learned Additional Public Prosecutor for the respondent police submitted that the second petitioner is having one previous case and the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegations made against the petitioners and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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, Devakottai, 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 Judge 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 daily at 10.30 a.m., 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 Judge/ 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 Judge/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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2021

/ TRUE COPY /

/ /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

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

ORDER
IN
CRL OP(MD) No.16979 of 2021
Date :02/11/2021

sj
MK/VR/SAR.II/12.11.2021/3P/5C