



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15056 of 2021

1.Umamaheswaran @ Vellaisamy
2.Sumathi

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.1003 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.THIYAGARAJAN
Advocate

For Respondent : Mr.P.KOTTAI CHAMY
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.1003 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 and 506(ii) I.P.C, in Crime No.1003 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners abused the defacto complainant in filthy language, assaulted him and also caused criminal intimidation. Hence, the complaint.

3.The learned counsel for the petitioners submits that the father of the defacto complainant and father of the petitioners are brothers and due to a civil dispute, a false case has been foisted as against the petitioners. He further submits that no one has sustained injury in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that no one has sustained

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injury in this case. He would further submit that the petitioners are having adverse antecedents as against them.

5. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that it is a civil dispute and no one has sustained injury in this case and also considering the petitioners' relationship with the defacto complainant, 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, Manapparai, 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 Magistrate 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 for interrogation.

(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]**; and;

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

sd/-

05/10/2021

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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 concerned.



TO

1 THE JUDICIAL MAGISTRATE
MANAPPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15056 of 2021

Date :05/10/2021

SA/PN/SAR.3/20.10.2021/3P/5C