



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP (MD) . No.15907 of 2021

1. Muthu
2. Panchu
3. Mayalagan
4. Malaiyayi
5. Chinnakaruppan

... Petitioners/Accused
1 to 5

Vs

State rep.by
The Inspector of Police,
Appanthirupathy Poilce Station,
Madurai District.
(Crime No.213 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Anand C, Advocate.

For Respondent : M/s.M.Muthumanickam,
Additional Public Prosecutor

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

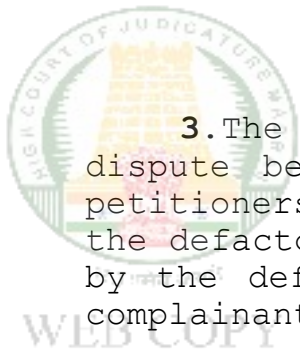
PRAYER :-

For Anticipatory Bail in Crime No.213 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294 (b), 427, 323 and 506 (i) IPC in Crime No.213 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>
2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.



3.The case of the prosecution is that due to the property dispute between the petitioners and the defacto complainant, the petitioners 1 & 2 left their goats into the agricultural field of the defacto complainant for grazing and when the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant and caused life threat.Hence, the complaint.

4.The learned counsel for the petitioners would submit that since there is property dispute between the petitioners and the defacto complainant and in order to wreak vengeance, the defacto complainant lodged a false case against these petitioners and hence, they seek anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that no previous case is pending against the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506(i) of IPC, all other offences are bailable in nature,this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 cards or Bank pass Books to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(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]**; and



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

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/ TRUE COPY /

Sd/-
12/10/2021

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

VRN/MBI

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

ORDER
IN
CRL OP(MD) No.15907 of 2021
Date :12/10/2021

SP/PN/SAR III/20/10/2021/3P/5C