



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16209 of 2021

WEB COPY

1. Dharmaraj,

2. Sekar,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by

The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

(Crime No.156 of 2021) ... Respondent/Complainant

For Petitioner : M/s.Bhagavath Singh G,
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.156 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(i) IPC and Section 4 of TNPHW Act, in Crime No.156
of 2021, on the file of the respondent Police, seek anticipatory
bail.

2. The case of the prosecution is that the accused are elder
brothers of the defacto complainant's husband. The first petitioner
had put up a hut in her land and on 02.10.2021, when the defacto
complainant and her son asked the petitioners to remove the same,
they abused, attacked them with sticks and also threatened them with
dire consequences.

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. Hence, he prayed for grant of
anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the first petitioner is having one previous case. However, he fairly submits that in this case, no one has been injured at the time of occurrence.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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 District Munsif cum Judicial Magistrate, Thiruvadanai, 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 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 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 are 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/10/2021

/ TRUE COPY /

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

OGY

<https://hcservices.ecourts.gov.in/hcservices/>



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.

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- TO
1. The District Munsif cum Judicial Magistrate,
Thiruvadanai.
 2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
 3. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.16209 of 2021
Date : 27/10/2021

TR/PN/SAR-III(01.11.2021) 3P 5C