



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16679 of 2021

1. Murugan

2. Shanthi ... Petitioners/Accused

Vs

The State Rep.by
The Sub Inspector of Police,
Ottanchathiram Police Station,
Dindigul. ... Respondent/Complainant
Crime No. 1142 of 2021

For Petitioner : M/s. Gunaseelanmuthiah.J.,
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. 1142 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 427, 294(b), 323, 324, 506(ii) and 379(NP) IPC, in Crime No.1142 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners had broken the glass-door of the defacto complainant's house, removed one teak wood and also caused loss to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioners are working as Teachers and they never committed any offence as alleged by the prosecution. He further submits that it is a case and counter case. Hence, he prayed for grant of anticipatory bail to the petitioners. He further submits that in order to show their *bona fide*, the petitioners are ready to deposit a sum of Rs.10,000/- to the credit of Crime No.1142 of 2021 before the learned Judicial Magistrate, Ottanchathiram.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and their readiness to deposit a sum of Rs.10,000/- to the credit of Crime No.1142 of 2021, 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 Judicial Magistrate, Ottanchathiram, 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;

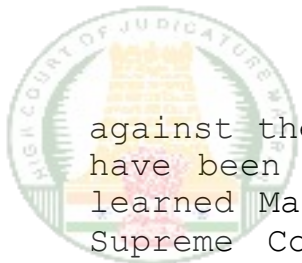
(b) the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1142 of 2021 before the learned Judicial Magistrate, Ottanchathiram,** within a period of two weeks without prejudice to their rights and contentions before the trial Court;

(c) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
29/10/2021

/ TRUE COPY /

/ /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 learned Judicial Magistrate,
Ottanchathiram
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Sub Inspector of Police,
Ottanchathiram Police Station,
Dindigul.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.GUNASEELANMUTHAIAH, Advocate (SR-7681[I] dated 29/10/2021)

ORDER
IN
CRL OP(MD) No.16679 of 2021
Date :29/10/2021

RD/PN/SAR-IV (08.11.2021) 3P 6C