



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.2151 of 2022

1. Kalailingam

2. Chandran

3. Govindhan

...Petitioners/Accused Nos.1,3&5

Vs

State represented by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.30 of 2022)

... Respondent/Complainant

For Petitioners: Mr.S.Vikram
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate(Crl. side)

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

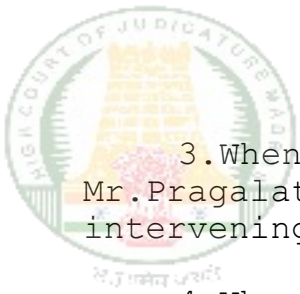
PRAYER :-

For Anticipatory Bail in Crime No. 30 of 2022 on the file of the Respondent police.

ORDER: The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 323, 506(1) and 379 IPC, in Crime No.30 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was property dispute between the parties, due to which, the petitioners abused the defacto complainant in filthy language and criminally intimidated him and thereafter, the petitioners had taken 55 paddy bags worth about Rs.55,000/- to the petitioners' home. Hence, the complaint.



3. When the matter was taken up for hearing on 03.02.2022, Mr. Pragalath Ravi, learned counsel sought time for filing intervening petition.

4. When the matter is taken up for hearing today, Mr. Pragalath Ravi, learned counsel for the intervenor is present, but as of now, no intervening petition is filed.

5. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

6. The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital.

7. Considering the fact that there existed property dispute between the parties and consequently, civil suit is pending between the parties and also the facts that the injured was already discharged from the hospital, that except the offence under Sections 506(1) and 379 IPC, all other offences are bailable in nature and that the petitioners are not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

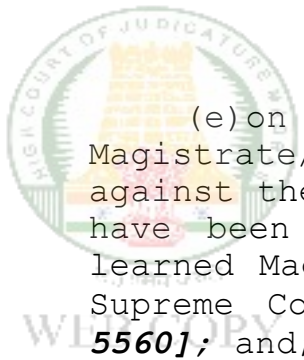
8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Elayangudi, Sivagangai District, on condition that the petitioners 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., for a period of thirty (30) days and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2022

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

CSM

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,
Elayangudi, Sivagangai District.
- 2.-do-Through The Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.2151 of 2022

Date : 08/02/2022

RD/SBN/SAR-III(11.02.2022) 3P 5C