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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2745 of 2022

1. Rajkumar @ Rajakumar

2. Seedly @ Swetly

... Petitioners/Accused Nos.1 & 2

Vs

State Rep. by

The Inspector of Police,

Arugani Police Station,

Kanyakumari District.

(Crime No.4 of 2022).

... Respondent/Complainant

For Petitioners: M/s.V.Sasikumar, Advocate.

For Respondent : M/s.M.Muthu Manikkam,

Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 447 and 506(ii) IPC, in Crime No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the parties, due to which, the petitioners along with other accused persons trespassed into the defacto complainant's estate with deadly weapons and threatened the workers and also abused the defacato complainant with filthy language. Hence, the complaint.



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

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there was some dispute between the parties with respect to the land, due to which, the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. He would further submit that no one was injured in this case.

5.Considering the facts and circumstances of the case and also the facts that there existed civil dispute between the parties, that no one was injured in this case, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 No.I, Kulithurai, Kanyakumari 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 respondent Police or to the Police Officer, who intends to arrest or 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 card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
09/02/2022

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.I,
KULITHURAI, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ARUGANI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SASIKUMAR V Advocate SR.No.957

ORDER
IN
CRL OP (MD) No.2745 of 2022
Date : 09/02/2022