



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3933 of 2022

1. R.Ramamoorthi
2. Murugeshwari

... Petitioners/Accused Nos.2 & 3

Vs

The state represented by
The Sub Inspector of Police,
Bodinayakanur Rural Police Station,
Bodinayakanur,
Theni District.
Cr.No.2341 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Aayiram.K.Selvakumar,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

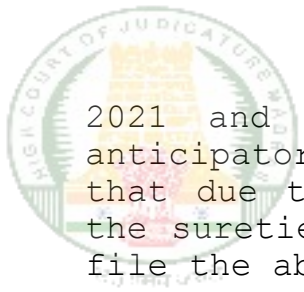
For Anticipatory Bail in Crime No.2341 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 324, 354 and 506(ii) of IPC, in Crime No.2341 of 2020, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the parties, the petitioners trespassed into the de-facto complainant's property and assaulted her. As a result of which, she sustained injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have already filed a petition in Crl.O.P.(MD)No.3418 of 2022.



2021 and this Court vide order dated 11.01.2021, has granted anticipatory bail to the petitioners by imposing certain conditions, that due to Covid-19 restrictions, they could not able to execute the sureties and that therefore, the petitioners are constrained to file the above application.

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

5.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the petitioners have already obtained anticipatory bail from this Court, 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 their 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, Bodinayakanur** 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2022

(*)Amended as per order of this Hon'ble Court dated 01.04.2022 in CRL MP(MD)No. 3885 OF 2022 in CRL OP(MD) No.3933 of 2021

Further two weeks time is granted to the petitioner to comply with the conditions imposed by this Court from the date of receipt of a copy of this order.

/ TRUE COPY /

/ /2022

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

SJI

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

(*)To be substituted with the order dt.28.02.2022 already despatched
1 (*)THE JUDICIAL MAGISTRATE, BODINAYAKANUR.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

4 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

5 THE SUB INSPECTOR OF POLICE
BODINAYAKANUR RURAL POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3933 of 2022

Date :28/02/2022

SS/PN/SAR:IV/10.03.2022 : 3P/5C

DAS

PKP/PN/SAR-2/11-04.2022/3P/7C

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