



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

Date : 17/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5038 of 2022

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1. Kumaresan
2. Amirthalingam
3. Vijayalakshmi
4. Balachandar
5. Arulmurugan

... Petitioners/(Rank Not Known)

Vs

The State Rep. By,
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
Cr.No. 66 of 2022..

... Respondent/Complainant

For Petitioners: Mr.Prakash K,
Advocate.

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

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

PRAYER :-

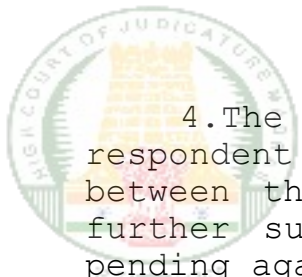
For Anticipatory Bail in Crime No.66 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC, in Crime No.66 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there existed money transaction dispute between the petitioners and the defacto complainant and due to that, the petitioners abused the defacto complainant in filthy language, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. Due to previous enmity, a false case has been foisted against the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was money transaction dispute between the parties and the investigation is pending. He would further submit that the counter case in Crime No.67 of 2022 is pending against the defacto complainant.

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5.Considering the fact that there existed money transaction dispute between the parties and considering the facts that no one was seriously injured in this case, that the counter case in crime No.67 of 2022 is pending against the defacto complainant and party and that the petitioners are not having any previous case of similar or serious offence, 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, Thuraiyur, Trichy 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 1, 2 4 and 5 shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(c)the third petitioner shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/03/2022

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/ /2022

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

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,
THURAIYUR, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRAKASH, Advocate (SR-2165[I] dated 18/03/2022)

ORDER
IN
CRL OP(MD) No.5038 of 2022
Date :17/03/2022

USK/SBN/SAR-I/23.03.2022/3P/6C