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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6227 of 2022

1. Sivakumar
2. Shanthi
3. Vijayalakshmi

...Petitioners/Petitioners
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.971/2021)

...Respondent/Respondent/
Complainant

For Petitioners: Mr.M.Pitchai Muthu, Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.971 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 alleged offences punishable under Sections 147, 294(b), 352 & 506(i) IPC, in Crime No.971 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners attacked the defacto complainant and also threatened him with dire consequences. Therefore, the present case came to be registered.



3. The learned counsel appearing for the petitioner submits that this Court, vide order dated 26.10.2021, in CrI.O.P.(MD) No.15955 of 2021, granted anticipatory bail to the petitioners. Due to ill-health, the first petitioner was hospitalized and therefore, he could not be able to take steps to arrange sureties and also not able to appear before the Court. Therefore, this second anticipatory bail petition has been filed.

4. The learned Government Advocate (CrI. Side) affirmed the submission made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the petitioners were already granted anticipatory bail by this Court, this Court is inclined to allow the second anticipatory bail petition.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed to be released on bail in the event of arrest or on 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.III, Thanjavur, Thanjavur 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 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 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 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]**;



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
06/04/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PITCHAI MUTHU M Advocate SR.No.3150

ORDER
IN
CRL OP(MD) No.6227 of 2022
Date :06/04/2022

SP/SVR/SAR II/13/04/2022/3P/6C