



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

Date : 30.03.2022

PRESENT

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

WEB COPY

CRL OP(MD) . No.5855 of 2022

1. Malar

2. Kumarasamy

... Petitioners/Accused No.3&4

Vs

The State represented by
The Inspector of Police,
Uppliyapuram Police Station,
Trichy District.
(Crime No.73 of 2022)

...Respondent/Complainant

For Petitioners: Mr.A.Joel Paul Antony,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.73 of 2022 on the file of the Respondent police.

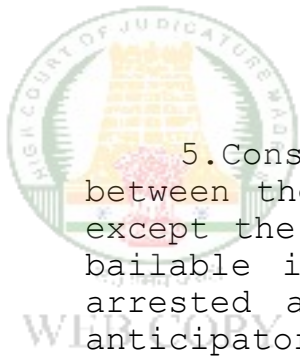
ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 434, 294(b) and 506(2) IPC, in Crime No.73 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed pathway dispute between the parties, the petitioners had abused the defacto complainant in filthy language and also threatened him with dire consequences. 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 police would submit that no one was injured in the incident. He would further submit that the accused 1, 2 and 5 were already arrested and released on bail.



5.Considering the facts that there existed pathway dispute between the parties, that no one was injured in the incident, that except the offence under Section 506(2) IPC, all other offences are bailable in nature and that the accused 1, 2 and 5 were already arrested and released on bail, 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 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, 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 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.

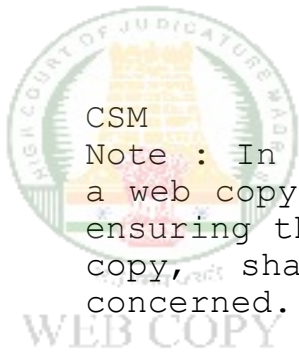
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

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

sd/-
30/03/2022

/ TRUE COPY /

/ /2022
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,
THURAIYUR, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
UPPLIYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRUAI.

+1CC toM/s.A.JOEL PAUL ANTONY, Advocate(SR-2888[I]dated 04/04/2022)

ORDER

IN

CRL OP(MD) No.5855 of 2022

Date :30/03/2022

PKP/SVR/SAR-3/05.04.2022/3P/6C