



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD).No.9590 of 2022

1.Lokeshwaran

2.Mahesh @ Maheswaran

... Petitioners/Accused
Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.111 of 2022)

... Respondent/Complainant

For Petitioners : M/s.K.Kalyani, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.111 of 2022 on the file of the File of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 427 & 506(i) of IPC, in Crime No.111 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 10.05.2022 at about 11.45 hours, the accused persons came to the defacto complainant's house and they abused the defacto complainant by using filthy language and consequently, they damaged the compound gate of the defacto complainant. Hence the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel for the petitioners on instructions submitted that that the petitioners undertake to deposit a sum of Rs.10,000/- to the credit of the crime number. The said undertaking is recorded.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that as per FIR, the petitioners damaged the compound gate of the defacto complainant worth about Rs.20,000/- and the investigation is almost completed.

5.Recording the undertaking of the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this criminal original petition is allowed and 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, Ilayangudi, 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 deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, to the credit of Cr.No.111 of 2022 before the trial Court concerned, within a period of two weeks from the date of receipt of copy of this order without prejudice to their defence.

[c]the petitioners shall report before the respondent police on every Wednesday and Sunday at 10.30 for a period of three months and thereafter, as and when required for interrogation.

[d]the petitioners shall not tamper with the 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]**.

Sd/-
19/05/2022

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

vsd

TO

1. THE JUDICIAL MAGISTRATE,
ILAYANGUDI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.KARTHIK, Advocate SR.No.4768

ORDER
IN
CRL OP(MD) No.9590 of 2022
Date :19/05/2022

SP/PN/SAR IV/24/05/2022/3P/6C