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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.12618 of 2022

1. Innasimuthu
2. Arun Prasath
3. Arockiya Prakash

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime.No.410 of 2022).

... Respondent/Complainant

P.Angamuthu

... Petitioner/Intervening
Petitioner/Defacto
Complainant
(in Crl.M.P. (MD)No.9113/2022)

For Petitioners : Mr.V.Sasikumar, Advocate.

For Respondent : Mr.M.Veerandhiran,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Ramsundarvijayraj, Advocate

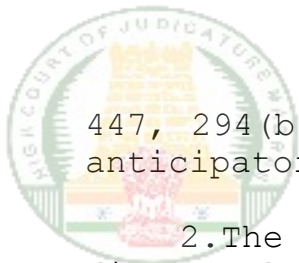
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.410 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections



447, 294(b), 352, 427 and 506(2) IPC, in Crime No.410 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to money transaction dispute between the parties, the petitioners abused the defacto complainant in filthy language and the first petitioner attacked him with stones and also caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the intervenor opposed to grant anticipatory bail on the ground that the first petitioner and the de-facto complainant had jointly purchased the property worth about Rs.2,50,00,000/-, subsequently, the first petitioner with an intention to grab the said property, demanded Rs.25,00,000/- from the de-facto complainant and all the accused threatened the de-facto complainant with dire consequences.

5.The learned Government Advocate(Crl.Side) would submit that no one has been injured in this case.

6.Considering the fact that there existed money transaction dispute between the parties and also considering the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.II, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 until further orders.

(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 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;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
16/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.I)
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

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMSUNDARVIJAYRAJ Advocate SR.No.10138

ORDER
IN
CRL OP(MD) No.12618 of 2022
Date :16/09/2022