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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 13/09/2022

Pronounced on: 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) . No.13061 of 2022

1. R.Jacquelin Mary
2. R.Salomi
3. T.Ravikumar

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Golden Rock Police Station,
Trichy City.
(Crime No.743 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Kishore Ram.K.R, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.743 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 448, 427, 506(i), 379 I.P.C, in Crime No.743 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to tenancy dispute, on 09.07.2022 at about 08.00AM, while the defacto complainant was going to his shop, the accused persons abused him in filthy



language, criminally trespassed into his shop and damaged the articles in the shop and also they took cash Rs.1,67,500/-. Hence, the complaint.

3. On the side of petitioners, it is stated that there was tenancy dispute between the parties, over which, a false case has been foisted against the petitioners. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that there was landlord tenant dispute between the parties. The alleged amount has not yet been recovered. There is no previous cases pending against the petitioners. Hence, prays to dismiss the petition.

5. Considering the tenancy dispute between the parties, considering the facts and circumstances of the case and considering that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 No.5, Trichy, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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



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

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Sd/-
19/09/2022

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.5,
TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
GOLDEN ROCK POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13061 of 2022
Date :19/09/2022

SP/SVR/SAR I/21/09/2022/3P/5C