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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.13232 of 2022

1. Krishnakumar
2. Radha
3. Nagamal

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.280 of 2022)

... Respondent/Complainant

For Petitioners: Mr.B.SANTHANAM RAJESHKUMAR,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl. Side).

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

PRAYER :- For Anticipatory Bail in Crime No.280 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354, 324 and 506(2) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.280 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are neighbors and that the defacto complainant kept the river sand in her house premises and the accused persons dump the waste on that place, due to that some dispute arose between them and at that juncture, the petitioners attacked the defacto complainant, abused her in filthy language and also threatened her 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. He would further submit that the case in counter is pending in Crime No.281 of 2022 against the defacto complainant.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital.

5. Considering the facts that there existed neighbourhood dispute between the parties, that the injured was already discharged from the hospital, that except the offences under Sections 506(2) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and that the case in counter is pending, 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 Court No.I, Sivagangai, Sivagangai 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 2 and 3 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/-

22/07/2022

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

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 COURT NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13232 of 2022

Date :22/07/2022

SA/PN/SAR.4/29.07.2022/3P/5C