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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.13765 of 2022

1. A.Chelladurai

2. C.Balammal

3. Sathish @ C.Sathish Antony

... Petitioners/
Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.261 of 2022.

... Respondent/Complainant

For Petitioners : M/s.VEERAPANDI.S.P.,

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.261 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 Section 380 I.P.C, in Crime No.261 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was money dispute between the parties, on 09.07.2022 at about 03.30PM, the accused persons broke open the shop of the defacto complainant and stolen articles from the shop. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocents and not committed any offence, as alleged

<https://www.mhc.tn.gov.in/judis>



by the prosecution. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of prosecution, it is stated that the first petitioner is having two previous cases at his credit and that the second and third petitioners are not having any previous case. Further, it is stated that due to money dispute, this complaint has been lodged against the petitioners and prayed to dismiss the petition.

5. Considering the previous antecedents of the first petitioner, this Court is not inclined to enlarge the first petitioner on anticipatory bail. Accordingly, this Criminal Original Petition is dismissed, in respect of first petitioner.

6. Considering the nature of the offence and the money dispute between the parties, considering the fact that the second and third petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 alone.

7. Accordingly, the petitioners 2 and 3 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 learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 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 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VEERAPANDI.S.P Advocate SR.No.9997

ORDER

IN

CRL OP(MD) No.13765 of 2022
Date :13/09/2022

PNM
SA/SVR/SAR.2/20.09.2022/3P/6C