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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16130 of 2022

1. Paneerselvam @ Panneer,

2. P. Adhisivan,

3. A. Vaigai,

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by
The Inspector of Police,
Checkanurani Police Station,
Madurai District
(Crime No. 317 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.G.Shankar Ganesh.R.G., Advocate.

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

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

PRAYER :-

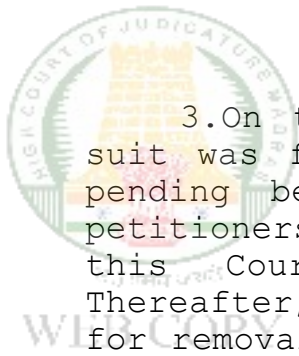
For Anticipatory Bail in Crime No.317 of 2022 on the file of the Respondent police.

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 294 (b), 427 and 506(ii) IPC, in Cr.No.317 of 2022, seek anticipatory bail.

2.The case against the petitioners is that due to land dispute between the parties, the petitioners and other accused abused the de-facto complainant in filthy language and attacked him and also threatened him with stone. Hence, the above case has been registered against the petitioners.

<https://www.mhcn.gov.in/judis>



3. On the side of the petitioners, it is stated that a suit was filed by the petitioners in O.S.No.242 of 2022 which is pending before the Sub Court, Thirumangalam. Thereafter, the petitioners filed W.P.(MD)No.16158 of 2022 before this Court and this Court has granted interim injunction on 25.07.2022. Thereafter, the petitioners filed W.P.(MD)No.20573 of 2022 seeking for removal of encroachment made by the de-facto complainant in the public common pathway/cart track and the same is pending before this Court. Over which, the de-facto complainant lodged a false complaint against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the injured was discharged from the hospital and that there is no previous case against the petitioners.

5. Considering the nature of the offence and on considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this 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, Usilampatti, Madurai District, 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:

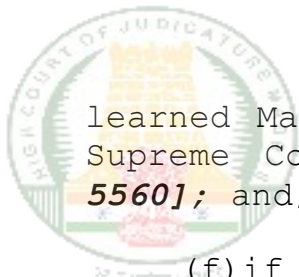
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) 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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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/-

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

TO

- 1 THE JUDICIAL MAGISTRATE,
USILAMPATTI, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-9766[I] dated
08/09/2022)

ORDER

IN

CRL OP(MD) No.16130 of 2022

Date :07/09/2022

PKP/SVR/SAR-4/15.09.2022/3P/6C