



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

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PRESENT

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

CRL OP(MD). No.16520 of 2022

1.A.Rameesh,

2.C.Pandian,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No. 320 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Pinaygash I,
Advocate.

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

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

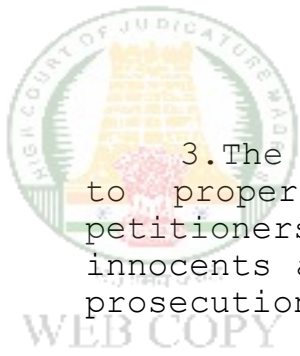
PRAYER :-

For Anticipatory Bail in Crime No.320 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323, 427, 506(2) and 109 IPC, in Crime No.320 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had received huge amount and 5 cents of land from the de-facto complainant for business transaction. Since the first petitioner has not repaid the same, the de-facto complainant lodged a complaint against the first petitioner and the same is pending. In the meanwhile, on 11.12.2020, the accused 2 to 4 had entered into the disputed civil property and abused the de-facto complainant and also assaulted him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that due to property dispute, a false case was foisted against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that A1 and A3 were already arrested and released on bail and no one has been injured in this case and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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 No.I, Sivagangai, 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 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.

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20/09/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.)
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.I, Sivagangai.
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.

Copy to
The Officer Incharge,
Mediation and conciliation center,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-10258[I] dated 20/09/2022)

ORDER IN
CRL OP(MD) No.16520 of 2022
Date : 20/09/2022

TR/GB/SAR-II(28.09.2022) 3P 7C