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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) .No.16537 of 2022

1.Saravanan
2.Vasakan
3.Manokaran
4.Sankul Gandhi

... Petitioners/Accused Nos.1 to 4

Vs

The State represented by
The Inspector of Police,
Tirunagar Police Station,
Madurai District.
(Crime No.320/2022).

... Respondent/Complainant

For Petitioners: M/s.M.Vivek Kumar, Advocate.

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

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 506(ii) of IPC in Cr.No.320 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the petitioner went to the defacto complainant's house, abused him in filth language, damaged his car and threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners submitted that the petitioners/A1 to A4 are running a vegetable shop and the defacto complainant is running a real estate business in the same complex.



When the defacto complainant asked the petitioners to invest in his real estate business a wordy quarrel arose and due to this motive, the defacto complainant and his son called the petitioner's to a TASMACHOP shop and demanded a sum of Rs.4,50,000/- and threatened them with dire consequences. Therefore a complaint has been given by the first petitioner to the police. The petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that the first petitioner and the defacto complainant are running business in adjacent shops. The defacto complainant's son hit the first petitioner by car. Hence a quarrel arose. No injury has caused to anyone in this incident.

5.Considering the facts and circumstances of this case and considering the nature of offence 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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;

(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 petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
15/09/2022

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

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TO

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

+1. CC to M/S.VIVEK KUMAR M Advocate SR.No.10080

ORDER
IN
CRL OP(MD) No.16537 of 2022
Date :15/09/2022

SP/SBN/SAR I/23/09/2022/3P/6C