



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17605 of 2021

1. Kavitha
2. Palpandi

... Petitioners/Accused Nos.1 & 3

Vs

The State rep.by
The Inspector of Police,
Karimedu Police Station,
Madurai District.
Crime No.1128 of 2021.

... Respondent/Complainant

Karunakaran

... Intervening Petitioner/
De-facto Complainant
In Crl.M.P(MD).9834/2021 in
Crl.O.P(MD).17605/2021

For Petitioners : M/s.VIJI.M.,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl.Side)

For Intervenor : Mr.N.BALASUBRAMANIAN, Advocate
for Mr.R.ANAND, Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.1128 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 120B, 294(b), 448 and 506(ii) IPC, in Crime No.1128 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the petitioners and the other accused had tried to trespass into the house of the defacto complainant and threatened him 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

<https://hcservices.ecourts.gov.in/hcservices/>



alleged by the prosecution and that they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners attacked the defacto complainant and caused injuries. He would further submit that the injured has already been discharged from the hospital.

5.When the matter was taken up earlier, the learned counsel for the intervenor submitted that the petitioners were directed to file an undertaking affidavit that they will not make any interference or trouble with the defacto complainant and work out their remedy in the civil suit. In pursuance of the same, the learned counsel for the petitioners filed an undertaking affidavit.

6.Considering the facts and circumstances of the case and also considering the facts that there existed a civil dispute between the parties and also the facts that except the offence under Section 506(ii) IPC, other offences are bailable in nature, that the petitioners are not having any bad antecedents and also taking note of the undertaking affidavit submitted by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 No.V, Madurai, 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 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 first petitioner shall report before the respondent police as and when required for interrogation.

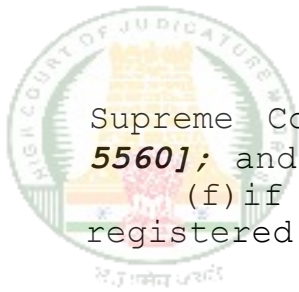
(c)the second petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the

<https://hccases.mca.gov.in/> Judge/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/-

16/02/2022

WEB COPY

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/ /2022

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

ORDER

IN

CRL OP(MD) No.17605 of 2021

Date :16/02/2022

SA/VR/SAR.4/22.02.2022/3P/5C