



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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17089 of 2022

WEB COPY

1. Muthuraja,
2. Raja,
3. Karuppayee Ammal,
4. Sivanangi Thevar, ... Petitioners/Accused

Vs

State Rep by
The Inspector of Police,
Sempatti Police Station, Dindigul
District.(Crime No.220/2022).. ... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu S,
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.220/2022 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 341, 294(b), 354, 341, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.220 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute the petitioners trespassed into the land 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 innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the civil suit is pending in O.S.No.739 of 2019, on the file of the Sub Court, Dindigul.



4.The learned Government Advocate(Crl.Side) would submit that it is a civil dispute between the parties and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the suit is pending before the Court below, 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 their 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, Athoor, Dindigul 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 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.

sd/-
23/09/2022

/ TRUE COPY /

/10/2022

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

TRP



TO

1. The Judicial Magistrate, Athoor, Dindigul District.
2. Do Through The Chief Judicial Magistrate, Dindigul.
3. The Inspector of Police,
Sempatti Police Station, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.SARVAGAN PRABHU S, Advocate (SR-10472[I] dated 23/09/2022)

ORDER

IN

CRL OP(MD) No.17089 of 2022

Date : 23/09/2022

TR/GB/SAR-I (30.09.2022) 3P 6C