



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.09.2022

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PRESENT

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

CRL OP(MD). No.17211 of 2022

1.Nantha Kumar
2.Rajesh Kannan
3.Charles

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Crime No.337 of 2022.

... Respondent/Complainant

For Petitioners : Mr.T.Leninkumar
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.337 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 147, 148, 448, 294(b), 323 and 506(i) IPC r/w Section 4 of TNPHW Act, in Crime No.337 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there is a civil suit pending between the parties, on 11.09.2022, the petitioners and five others trespassed into the property and attempted to put up the superstructure therein. When the same was questioned by the de-facto complainant, the petitioners abused the defacto complainant in filthy language and attacked her with legs. Hence the complaint.

3.The learned counsel for the petitioners would submit that due to property dispute between the parties, a false case was foisted against the petitioners. He would further submit that the counter



case in Crime No.338 of 2022 is pending against the complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case in counter case and the injured was discharged from the hospital. He would further submit that A2 is having one previous case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the fact that there existed civil suit pending between the parties and also the facts that the injured was already discharged from the hospital and the counter case is pending against the de-facto complainant, 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, Lalgudi, 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.

sd/-

27/09/2022

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/10/2022

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, 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.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
LALGUDI POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10628[I] dated
28/09/2022)

ORDER

IN

CRL OP(MD) No.17211 of 2022

Date : 27/09/2022

SJI

RS/GB/SAR. (07.10.2022) 3P-6C