

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

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

CRL OP(MD). No.17588 of 2022

1. Kanthavel
2. Renganayaki
3. Sundarraaj
4. Marisamy

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
Crime No.194 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Suyambulinga Bharathi.K,
Advocate.
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.194 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) IPC in Crime No.194 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a previous dispute between the parties regarding the agricultural activities in their lands, due to which, on 09.09.2022, when the de-facto complainant in his home, the petitioners were came there, attacked him and also threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail and the earlier

application was dismissed by this Court, vide order dated 21.09.2022 in Crl.O.P.(MD)No.16653 of 2022 on the ground that the injured was still in hospital. He would further submit that now the injured was discharged from the hospital.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital.

5.Since there is a change in circumstance, 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 No.1, Kovilpatti, 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/-

10/10/2022

/ TRUE COPY /

/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 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, KOVILPATTI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-11245[I] dated
12/10/2022)

ORDER

IN

CRL OP(MD) No.17588 of 2022

Date :10/10/2022

SJI

RS/SBN/SAR.2(12.10.2022) 3P-6C