



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

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PRESENT

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

CRL OP(MD). No.17378 of 2022

1. C.Pattu Murugan,

2. P.Hema,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai District.
Crime No.578 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Appadurai K, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

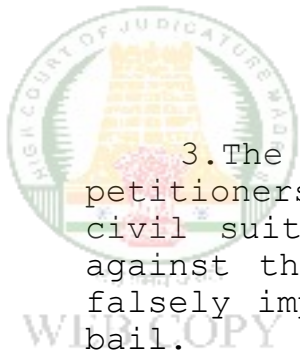
PRAYER :-

For Anticipatory Bail in Crime No.578 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 454, 380(2), 451, 294(b) and 506(i) IPC, in Crime No.578 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the parties, the accused trespassed into the de-facto complainant's house and stolen away the documents and threatened the de-facto complainant and her daughter with dire consequences and also tried to grab the de-facto complainant's husband property. Hence the complaint.



3.The learned counsel for the petitioners would submit that petitioners and the de-facto complainant are relatives. There is a civil suit pending between the parties, a false case was foisted against the petitioners and they are innocents and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally five accused in this case and all the accused trespassed into the de-facto complainant's house and stolen away the documents and threatened the de-facto complainant and her daughter with dire consequences and also tried to grab the de-facto complainant's husband property. He would further submit that the document is not yet recovered and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that there is a civil suit pending between the parties and the investigation is in preliminary stage, 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 Court No.VI, Madurai, 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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

TO

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

+1 CC to M/s.K.APPADURAI, Advocate (SR-12361[I] dated 03/11/2022)

ORDER
IN
CRL OP(MD) No.17378 of 2022
Date :03/11/2022

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PKP/SSS/SAR-1/11.11.2022/3P/6C