



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/09/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17458 of 2022

1. K.Dharmalingam

2. Kalyanithevar

... Petitioners/Accused Nos.2 & 4

Vs

The State rep.by,  
The Inspector of Police,  
Usilampatti Taluk Police Station,  
Madurai District  
(Crime No.119 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Maran.M, 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.119 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 452, 294(b), 323, 342, 506(i) I.P.C, in Crime No.119 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was land dispute between the parties, over which, on 12.09.2022 at about 07:00am, the accused persons entered into the house of the defacto complainant, abused, assaulted him and also threatened with dire consequences. Hence, the complaint.

3. On the side of petitioners, it is stated that the petitioners are arrayed as A2, A4. There is a land dispute between the parties. A false case was foisted against them. Injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.



4. On the side of prosecution, it is stated that due to land dispute, this case was foisted against the accused persons. In this case, injured was discharged from the hospital. Investigation is not yet completed and hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, that the land dispute between the parties and that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate No.I, Usilampatti, 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 learned Magistrate may obtain a copy of their Aadhaar 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 the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/09/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,  
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE  
USILAMPATTI TALUK POLICE STATION,  
MADURAI DISTRICT

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

+1 CC to M/s.M.MARAN, Advocate ( SR-10815[I] dated 30/09/2022 )

ORDER

IN

CRL OP(MD) No.17458 of 2022

Date :29/09/2022

PNM

MK/GB/SAR. /07.10.2022/3P/6C