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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17675 of 2022

1. Murugan

2. Ponnukodi

... Petitioners/Accused Nos.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.369 of 2022)

... Respondent/Complainant

For Petitioners: M/s.Prabu.M,
Advocate.

For Respondent : S.Manikandan,
Government Advocate (Crl.Side)

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

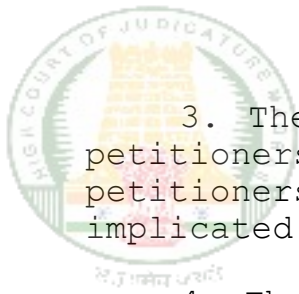
PRAYER :-

For Anticipatory Bail in Crime No.369 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 427, 447 and 506(2) of IPC, in Crime No.369 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, on 28.09.2022, the petitioners along with other accused abused the defacto complainant in filthy languages and also threatened him. Subsequently, on 29.09.2022, the petitioners damaged the boundary stones and CCTV Camera in the defacto complainant's garden. Hence, the complaint.



3. The learned counsel for the petitioners submitted the petitioners are close relative of the defacto complainant. The petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that there is a property dispute pending between the parties and the damage is worth about Rs.3,85,000/-. He further submitted that no previous case is pending against the petitioners.

5. Considering the facts and circumstances of the case and also the facts that there existed property dispute between the parties and the petitioners are not having any bad antecedents, 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 on 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.II, Kovilpatti, Thoothukudi District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 Aadhaar card or bank pass book to ensure their identity.

[b] while executing the sureties, the petitioners shall deposit a sum of **Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)** to the credit of Crime No.369 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court and on such deposit being made, the defacto complainant is permitted to withdraw the same.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g]if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/10/2022

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/10/2022

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

cp

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-10968[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17675 of 2022

Date :06/10/2022

RK/SVR/SAR-1 (11/10/2022) 3P/6C