



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.17735 of 2022

1.Rajendran,

2.Nellai Sundari,

... Petitioners/Accused Nos.1&2

Vs

The State rep.by
The Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli District.
(Crime No.130 of 2022)

... Respondent/Complainant

For Petitioners: M/s.SURESH KANNAN.C,
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. 130 of 2022 on the file of the Respondent police.

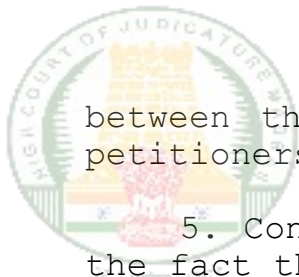
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 324 and 506(2) of IPC, in Crime No.130 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the wife of the defacto complainant died before 25 years back. On 18.09.2022, when the defacto complainant was taking his lunch in his house, the petitioners and other accused trespassed into the house of the defacto complainant and scolded him in filthy language and also attacked him. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person 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 one previous case is pending against the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there existed property dispute between the parties and considering the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District on condition that the petitioners 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] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with the 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 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]**

[f] if the accused / petitioner thereafter absconds, 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.



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MOOLAKARAIPATTY POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17735 of 2022

Date :06/10/2022

BTR/CP

SA/VR/SAR.2/11.10.2022/3P/5C