



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.17717 of 2022

1. Manikandan
2. Magesh

... Petitioners/Accused No.1 to 2

Vs

The State rep.by,
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
(Crime No.135/2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh Kannan C,
Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.135/2022 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), 323, 324 and 506(ii) of IPC, in Crime No.135 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute pending between the petitioners and the defacto complainant with regard to pathway. On 20.09.2022, the petitioner was grazing his goat in the nearest land of the defacto complainant. At that time, some goats were entered into the land of the defacto complainant and damaged the red corn crops. When the same was questioned, the petitioners scolded the defacto complainant in filthy language and attacked the defacto complainant and his father with hand and stick. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that no one sustained injury in the aforesaid occurrence.

5. Considering the facts and circumstances of the case and also the fact that no one sustained injury in the aforesaid occurrence, 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, Thuraiyur, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhaar card or bank pass book to ensure their identity.

[b] while executing the sureties, the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each** to the credit of Crime No.135 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court. On such deposit being made, the defacto complainant is permitted to withdraw the same in accordance with law.

[c] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for the period of four weeks 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 / petitioner thereafter absconds, a : [R
can be registered under Section 229-A IPC.

sd/-
06/10/2022

/ TRUE COPY /

WEB 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,
THURAIYUR, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-11002[I] dated
06/10/2022)

ORDER
IN
CRL OP(MD) No.17717 of 2022
Date :06/10/2022

btr/cp
MK/GB/SAR. /10.10.2022/3P/6C