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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.17910 of 2022

1. Senthilkumar

2. S.Jegatheesh ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Veerapapandi Police Station,
Theni District.
(Cr.No.321 of 2022). ... Respondent/Complainant

For Petitioners : Mr.R.Shankar Ganesh, Advocate

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

For Intervener : Mr.P.Mahendran, Advocate

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

PRAYER :-
For Anticipatory bail in Crime No.321 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 294(b), 427, 447, 506(ii) I.P.C, in Crime No.321 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was civil dispute between the defacto complainant and the accused persons. On 24.09.2022, the accused persons criminally trespassed into the property, which belongs to the owner of the defacto complainant and abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

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3. On the side of petitioners, it is stated that the petitioners are innocent and they had not committed any offence as alleged by the prosecution. Due to property dispute between brothers, a false case was foisted against them. Hence, prays to release the petitioners on anticipatory bail.

4.The learned counsel appearing for the intervenor has raised objections for the grant of anticipatory bail.

5.On the side of prosecution, it is stated that in this case no one injured. In this case, investigation is not yet completed and prays to dismiss the petition.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and that no one injured in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, Theni, 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 on every Wednesday at 10.30am for a period of four weeks and thereafter, as and when required by the respondent Police;

(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;

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(f)if the accused/ petitioners 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,
THENI

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
VEERAPAPANDI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-11090[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17910 of 2022
Date :06/10/2022

PNM
PKP/TR/SAR /11.10.2022/3P/6C

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