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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD) . No.18754 of 2022

1. Vadivel
2. Murugesan
3. Shanmugavel

... Petitioners/Accused
No.2 to 4

Vs

State rep.by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.163 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Muralikumar A, Advocate.

For Respondent : Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.163 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
448, 294(b), 427, 379(NH) and 506(i) IPC and Section 4 of TNPHW Act,
2002 in Crime No.163 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute the
petitioners have attacked the defacto complainant with deadly
weapons and also damaged the boundary stones and snatched the cell



phones worth about Rs.25,000/- and also abused him in filthy language. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that totally five accused involved in this case and the A1 and A5 already arrested and released on bail. He would further submit that it is the second anticipatory petition filed by the petitioner and the damage caused and the cell phone snatched worth about Rs.25,000/- and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or 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. I, Karaikudi, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners are directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) each to the Tamil Nadu Mediation and Conciliation Centre attached to this Court, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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 Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(d) the petitioners shall not tamper with 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 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;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
20/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KARAIKUDI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CO-ORDINATOR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1. CC to M/S.MURALIKUMAR A Advocate SR.No.12001

ORDER
IN
CRL OP(MD) No.18754 of 2022
Date :20/10/2022