



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18167 of 2022

Devi

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
(Cr No.236/2022).

... Respondent/Complainant

For Petitioner : M/s.Karthik 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.236/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(i) IPC and Section 92(b) of Right of Persons with Disabilities Act, 2016, in Cr.No.236 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A1 are brothers. Due to property dispute between the parties, On 03.10.2022, A1 went to the house of the de-facto complainant and assaulted him. When the de-facto complainant's wife and daughters were tried to save the de-facto complainant, the petitioner assaulted both of them with stick. Further, A1 snatched the cellphone and threatened all the family members with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that due to civil dispute between both the family members, a false case was foisted against the petitioner and the petitioner is innocent and she has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. The petitioner is having no previous case. The investigation in this case is still pending. But, however, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that it is a property dispute between the parties and also the facts that the injured was discharged from the hospital and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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;

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

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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]**; and;



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

sd/-
13/10/2022

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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,
NILAKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.KARTHIK, Advocate (SR-11400[I] dated 14/10/2022)

ORDER
IN
CRL OP(MD) No.18167 of 2022
Date :13/10/2022

sj i
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