



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP(MD) . No.18255 of 2022

1. Jeya
2. Somasundaram @ Somu ... Petitioners

Vs

State rep.by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(Crime No.361/2022) ... Respondent

For Petitioners : M/s.Manickam R, 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.361/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 447, 427 and 506(i) IPC, in Crime No.361 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners restrained the de-facto complainant for entering the disputed property and tried to attack the de-facto complainant with their hands and also threatened him with dire consequences. Hence the complaint.



3.The learned counsel for the petitioners would submit that the first petitioner filed a suit in O.S.No.6 of 2019 before the Sub-court, Theni and the same is still pending. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prayed for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that A1 trespassed into the de-facto complainant's land, abused him in filthy language and caused damage to the EB box worth about Rs.7,000/- and A2 also threatened the de-facto complainant by showing aruval. He would further submit that the petitioners are having two previous cases and the investigation in this case is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that there is a civil suit pending between the parties, 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, Theni, Theni District, 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 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 first petitioner shall report before the respondent police daily at 10.30 am until further orders; and the second petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with 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 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;

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

Sd/-
13/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THENI, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MANICKAM R Advocate SR.No.11353

ORDER
IN
CRL OP(MD) No.18255 of 2022
Date :13/10/2022

SP/SSS/SAR I/20/10/2022/3P/6C