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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

PRESENT

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

CRL OP(MD) . No.18283 of 2022

1. Pandi
2. Murugan @ Ganesan
3. Muthumari
4. Nagajothi

... Petitioners/Accused No.1 to 4

Vs

State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.193/2022).

... Respondent/Complainant

For Petitioners : M/s.Praburamachandran R, Advocate.

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

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

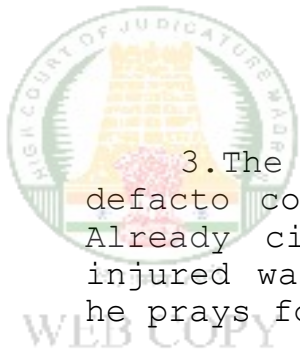
PRAYER :-

For Anticipatory Bail in Crime No.193 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 & 506(ii) of IPC, in Crime No.193 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to the civil dispute, on 06.10.2022, the petitioners and their family members threatened the defacto complainant with dire consequences and also attacked him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the defacto complainant is tried to enter into the petitioners' land. Already civil suit is pending before the lower Court. Now, the injured was discharged from the hospital, on 11.10.2022 and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the the first petitioner is having 4 previous cases. Out of which, one case is 307 IPC case. The second petitioner is having 1 previous case and no previous case is pending against the petitioners 3 & 4. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstance of the case and also considering the fact that civil dispute is pending between the parties and the injured was discharged from the hospital, 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.II, Usilampatti, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(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 2 to 6 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.

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Sd/-
14/10/2022

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

DSS

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 NO.II,
USILAMPATTI.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRABURAMACHANDRAN R Advocate SR.No.11383

ORDER
IN
CRL OP(MD) No.18283 of 2022
Date :14/10/2022