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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD) . No.18475 of 2022

1. Pushbhavalli
2. Selvasundari @ Shanmugasundari ... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(in Crime No.117/2022) ... Respondent/Complainant

For Petitioners : M/s.Kasirajan S, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 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 447 and 427 IPC @ 447, 427, 147, 148, 120(b) and 34 IPC, in Crime No.117 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A3 have threatened the de-facto complainant to give his land to the petitioners for doing real estate business and damaged the fence put up by the de-facto complainant in his land, scolded him with filthy language and threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that due to property dispute between the parties, a false case was foisted against the petitioners. He would further submit that A3 was already arrested and released on bail by the learned Judicial Magistrate, Sankarankovil in CrI.M.P.No.2256 of 2022 on 10.10.2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(CrI.Side) strongly opposed this petition stating that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court dated 26.09.2022 in CrI.O.P.(MD)No.16281 of 2022. The major part of the investigation is over.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that A3 was already released on bail and major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai), without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, 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 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/-

18/10/2022

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/10/2022

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

SJI

TO

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

COPY TO:

THE HEADMISTRESS, GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

+1. CC to M/S.KASIRAJAN S Advocate SR.No.11652

ORDER

IN

CRL OP(MD) No.18475 of 2022

Date :18/10/2022