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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD) . No.18441 of 2022

1. K.Kulanthaivel
2. K.Karuppayee
3. K.Radha

... Petitioners/Accused
Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No.102/2022).

... Respondent/Complainant

For Petitioners : M/s.Thirumurugan T, 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.102/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 447 and 506(i) of IPC, in Crime No.102 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute, on 05.10.2022, the petitioners abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that due to previous dispute between the parties, a case in Crime No.81 of 2022 has been registered against the defacto complainant. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that there is a land dispute pending between the parties and no one sustained injury in this occurrence and the petitioner is not having any previous case. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the no one sustained injury in this occurrence and the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
17/10/2022

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

cp

TO

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

+1. CC to M/S.THIRUMURUGAN T Advocate SR.No.11556

ORDER
IN
CRL OP (MD) No.18441 of 2022
Date :17/10/2022

SP/BUC/SAR /28/10/2022/3P/6C