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CRL OP(MD). N



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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.18519 of 2022

1. Ponnusamy
2. Malaiyammal
3. Marisamy
4. Marimuthu @ Muthumadan ... Petitioners/Accused No.1 to 4

Vs

The State Rep.BY,
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District
(Crime No.408 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Thalaimuthuarasu.G.,
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.408 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 and 506(1) IPC, in Crime No.408 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties with regard to cut the hedge plants in front of the de-facto complainant's house, the petitioners abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the counter case in Crime No.407 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was treated as outpatient. The petitioners 1 and 4 are having no previous case and the petitioners 2 and 3 are having one previous case. The investigation in this case is not yet completed and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was treated as outpatient and also the fact that the counter case is pending against the de-facto complainant, 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, 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 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 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 registered under Section 229-A IPC.

sd/-
18/10/2022

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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.
- 3.THE INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-11699[I] dated
19/10/2022)

ORDER
IN
CRL OP(MD) No.18519 of 2022
Date :18/10/2022

RK/GB/SAR-2 (01/11/2022) 3P/6C