



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.18541 of 2022

1. Krishnan
2. Gurunathan
3. Ganesan
4. Mani
5. Murugesan
6. Adaikan

... Petitioners/Accused No.1 to 4 & 6 & 8

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District
(Crime No.295 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Velpradeep I, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

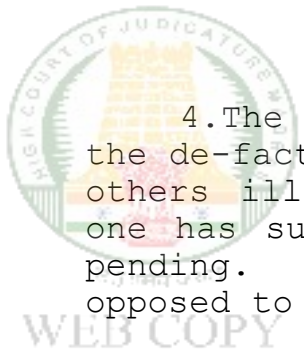
For Anticipatory Bail in Crime No.295 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A4, A6 & A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323, 354 and 506(i) IPC, in Crime No.295 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 28.08.2022 at about 05.30 p.m., the petitioners trespassed into the de-facto complainant's property and put up a construction and when the same was questioned by the de-facto complainant, the petitioner assaulted her and abused her in filthy language and also given a life threat to her. Hence the complaint.

3.The learned counsel for the petitioners would submit that there is a civil dispute pending between the parties, the present complaint has been falsely foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A5 and A7 were already granted anticipatory bail by the lower Court. Hence, he prays for anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit that the de-facto complainant is a Srilankan refugee. The petitioners and others illegally occupied the de-facto complainant's property. No one has sustained injury in this case. The investigation is still pending. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been granted anticipatory bail, 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 Court, Natham, 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 Inspector of Police, Othakadai Police Station, Madurai 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/-

08/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, NATHAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION, MADURAI.

+1 CC to M/S.I.VELPRADEEP, Advocate, SR.No.53480[F] DATED 08.11.2022

ORDER

IN

CRL OP(MD) No.18541 of 2022

Date :08/11/2022

SJI

RS/TR/SAR.1(16.11.2022) 3P-7C