



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

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PRESENT

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

CRL OP(MD). No.18717 of 2022

1. Sinduja Gayathi @ Sindujagaayathiri,
2. Balasubramaniam,
3. Vani,
4. Barathikannan @ Bharathikannan,
5. Saravanan
6. Wilsan Gnanamuthu @ Willson Gnanamuthu,
7. Kavitha Priya @ Karpagapriya,
8. Krishnan,
9. Pushbavalli @ Pushparani, ... Petitioners/Accused Nos.1 to 9

Vs

The State rep.by,
The Sub Inspector of Police,
Theni Police Station,
Theni District.
Crime No.346/2022.

... Respondent/Complainant

For Petitioner : M/s.Premkumar 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.346 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 427, 294(b) and 506(i) IPC in Crime No.346 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to the dispute between the parties, the petitioners have entered into the house of the defacto complainant and damaged the windows worth Rs.1,000/- and also abused him in filthy language. Hence the



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

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4. The learned Government Advocate (Crl.Side) would submit that it is a case of case and counter and the petitioners herein have no previous case. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case and counter case, 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, Theni, 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/-
19/10/2022

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/10/2022

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

TO

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

+1 CC to M/s.S.PREM KUMAR, Advocate (SR-11734[I] dated 20/10/2022)

ORDER
IN
CRL OP(MD) No.18717 of 2022
Date :19/10/2022

TRP
MK/GB/SAR. /28.10.2022/3P/6C