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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19151 of 2022

1. Sundaralingam
2. Masanamuthu

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.
(Crime No.124 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Angusamy V, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.124 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323, 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.124 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was civil dispute between the parties, over which, on 20.10.2022, the accused persons abused, assaulted the defacto complainant and also criminally intimidated. Hence, the complaint.



3. On the side of petitioners, it is stated that the petitioners are arrayed as A1, A2. There is a civil dispute between the parties. A false case was foisted against them. Injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that due to civil dispute, this case was foisted against the accused persons. In this case, injured was discharged from the hospital. The petitioners are not having any bad antecedents at their credit. Investigation is not yet completed and hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, that the civil dispute between the parties and that the injured was discharged from the hospital and also considering the fact that the petitioners are not having any bad antecedents at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Thoothukudi, 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 learned Magistrate may obtain a copy of their Aadhaar 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 the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
28/10/2022

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANGUSAMY V Advocate SR.No.12063

ORDER
IN
CRL OP(MD) No.19151 of 2022
Date :28/10/2022

SP/GB/SAR II/03/11/2022/3P/6C