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CRL OP(MD). N



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

Date : 03/11/2022

PRESENT

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

CRL OP(MD) . No.19408 of 2022

1. Rajaji
2. Rajapandi
3. Vijayakumar ... Petitioners/Accused No.1 to 3
Vs

The State rep.by,
The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
Crime No.48 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ragupathi P,
Advocate.

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

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

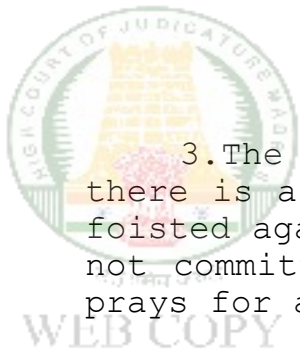
PRAYER :-

For Anticipatory Bail in Cr.No.48 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(ii) of IPC, in Crime No.48 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there is a civil suit pending between the parties, due to which, on 14.08.2022 at about 12.00hrs, while the de-facto complainant was standing near the burial ground, the petitioners came there and attacked the de-facto complainant and abused him in filthy language. Hence the complaint.



3.The learned counsel for the petitioners would submit that there is a civil suit pending between the parties, a false case was foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners 1 and 2 are having one previous case and the third petitioner is having no previous case. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court. 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 charge sheet has already been filed before the concerned Court, 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 District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District 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 can be registered under Section 229-A IPC.

sd/-
03/11/2022

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

SJI

TO

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

+1 CC to M/s.P.RAGUPATHI, Advocate (SR-12400[I] dated 04/11/2022)

ORDER
IN
CRL OP(MD) No.19408 of 2022
Date :03/11/2022

RK/SSS/SAR-3 (11/11/2022) 3P/6C