



No.4/



2f.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . Nos.19446 and 19518 of 2022

1. Sudhan,
2. Radhakrishnan,
3. Chithra @ Mani Chithra,
4. Ramalakshmi,
5. Sooraiah,

... Petitioners/Accused Nos. 2 to 6
in Crl.O.P. (MD)No.19446 of 2022

- 1.Alaguraja,
- 2.Udhayakumar,

... Petitioners/Accused Nos. 1 & 2
in Crl.O.P. (MD)No.19518 of 2022

Vs

The State rep.by
The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
Cr.No.118/2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Prabu M,
Advocate.

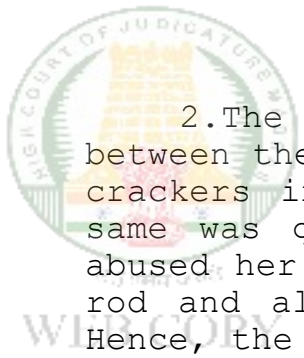
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 118/2022 on
the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 323, 354, 355 and 506(ii) IPC r/w Section 4 of
TNPHW Act, in Crime No.118 of 2022, seek anticipatory bail.



2.The case of the prosecution is that due to land dispute between the parties, the petitioners and other accused were bursting crackers in front of the de-facto complainant's house and when the same was questioned by the de-facto complainant, all the accused abused her in filthy language and attacked her with hands and iron rod and also harassed and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to some land dispute pending between the parties, the present case was registered 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 injured was discharged from the hospital and no previous case is pending against the petitioners. 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 facts that the injured was already discharged from the hospital and the petitioners are not having any bad antecedents, 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 No.II, Kovilpatti, Thoothukudi 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 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**



No.4/



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(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/11/2022

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

TO

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

+2. CC to M/S.PRABU M Advocate SR.No.12443 & 12444

**ORDER
IN**

CRL OP (MD) . Nos.19446 and
19518 of 2022
Date :04/11/2022

SJI
SA/TR/SAR.1/11.11.2022/3P/7C