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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2022
PRESENT

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

CRL OP(MD). No.19799 of 2022

1. Chellakalai,

2. Nethaji,

3. Thenmozhi,

4. Gopinath,

... Petitioners/Accused 1 to 4

Vs

The State rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No.361/2022.

... Respondent/Complainant

For Petitioners : M/s.Sathya Chidambaram S,
Advocate.

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

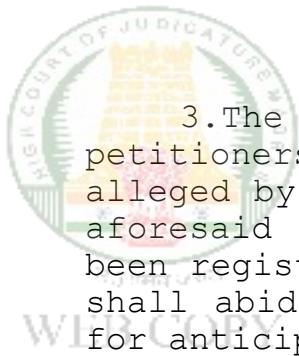
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.361/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.361 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are neighbours. There is a pathway dispute between both family members. In such circumstances, on 28.10.2022, due to previous enmity, some quarrel arose between the parties and the petitioners are abused the defacto complainant in filthy language and attacked him with wooden log and also given life threat. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that due to the aforesaid occurrence, a counter case in Crime No.362 of 2022 has been registered against the de-facto complainant and the petitioners shall abide any conditions imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case and case in counter and the injured was discharged from the hospital and no previous case is pending against the petitioners. He would further submit that investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the fact that the injured was already discharged from the hospital and also the facts that it is a case and case in counter 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 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, Manapparai, Trichy 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:

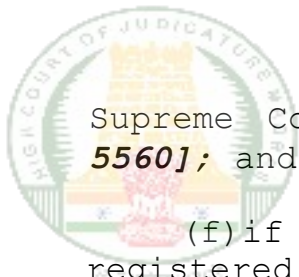
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b)the petitioners shall report before the respondent Police daily at 10.30 a.m., 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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560J]**; and.

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

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

TO

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

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.12697

ORDER

IN

CRL OP(MD) No.19799 of 2022
Date : 09/11/2022

cp
SA/BUC/SAR.2/22.11.2022/3P/6C