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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20268 of 2022

1. Inbaraj,

2. Velu,

3. Madasami,

... Petitioners/Accused Nos.1,2&5

Vs

State Rep.by
The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi,
Tenkasi District.
(in Crime No.207 of 2022)

... Respondents/Complainants

For Petitioners: M/s.Rajesh P, Advocate.

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

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

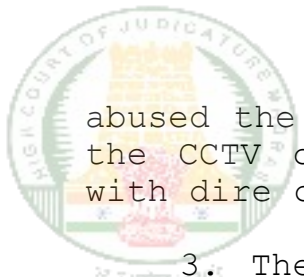
PRAYER :-

For Anticipatory Bail in Crime No. 207/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 352, 387 and 506(ii) of IPC, in Crime No.207 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the husband of the defacto complainant and one Sathiskumar, on 22.09.2022, the petitioners unlawfully assembled together and



abused the defacto complainant by using filthy language and threatened the CCTV camera worth about Rs.40,000/- and also threatened them with dire consequences. 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 the petitioners shall abide any condition imposed by this Court and hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the the third petitioner is having five previous cases, out of which, four cases are disposed of and the first petitioner is having one previous case. Further, investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the fact that there existed money dispute between the parties and also the nature of charges levelled against the petitioners and four witnesses have been examined so far, 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, Sankarankovil, 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

<https://www.hc.in.gov.in/judis> the learned Magistrate/Trial Court himself as laid down by



the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** **AIR SCW 5560J**; and;

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

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVI, .
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATION, TENKASI,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.RAJESH, Advocate (SR-13304[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20268 of 2022
Date :18/11/2022

cp
PKP/SSS/SAR-2/30.11.2022/3P/6C