



WEB COPY



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.20275 of 2022

1. Ravi
2. Chitra
3. Selvaraj
4. Jamuna
5. Sathiesh

... Petitioners/Accused
Nos.1 to 5

Vs

State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.649 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Rameshkumar D, Advocate.

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

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

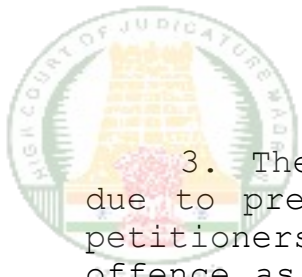
PRAYER :-

For Anticipatory Bail in Crime No.649 of 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 147, 447, 427, 341, 352 and 379(NP) of IPC, in Crime No.649 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners said to have criminally trespassed into the property situated in S.No.75 /2C at Mangudi and damaged the CCTV Camera. Hence, the complaint.



3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that a case in counter has been registered against the defacto complainant in Crime No.648 of 2022.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the petitioners are not having any previous case. He would further submit that injured has already been discharged from the hospital. He would further submit investigation is still pending and hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioners 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 shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only) each to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate, Aranthangi, Pudukkottai District.

7.On production of such receipt, 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, Aranthangi, Pudukkottai 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 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/-
18/11/2022

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/11/2022

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

CP

TO

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

COPY TO: THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

ORDER
IN
CRL OP (MD) No.20275 of 2022
Date : 18/11/2022