



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

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PRESENT

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

CRL OP(MD). No.20487 of 2022

1. Muthupandi,

2. Ashok Kumar,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
Crime No.47 of 2022.

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.47 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 447, 427, 379 and 506(ii) IPC r/w Section 4 of TNPHW Act, in Crime No.47 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute pending between the parties, on 12.11.2022 at about 09.30 p.m., the petitioners are trespassed into the de-facto complainant's house and quarrelled with the de-facto complainant, abused him in filthy language, attacked him with wooden stick and knife and damaged the de-facto complainant's house gate, EB meter box, glass window, TV set top box worth about Rs.70,000/- and also threatened him with violence and 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 a counter case in Crime No.46 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

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4.The learned Government Advocate(Crl.Side) would submit that the petitioners attacked the de-facto complainant with stick and knife and also caused damage to the household articles worth about Rs.70,000/-. The injured was discharged from the hospital and the petitioners are not having any previous case. 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 and the counter case is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950,** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Ottapidaram, Thoothukudi District.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ottapidaram, 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 5560]**; and;

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

sd/-
18/11/2022

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
OTTAPIDARAM, THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
NARAIKINARU POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE HEADMISTRESSES,
MADURAI EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-13289[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20487 of 2022
Date :18/11/2022

SJI
PKP/BUC/SAR-1/28.11.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>