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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21451 of 2022

Marimuthu

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Kadaiyanallur Police Station,
Tenkasi District.
Crime No.394 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Sasidharan Tamilkani S.T.,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.394 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) I.P.C, in Crime No.394 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a civil dispute between the parties. On 15.11.2022, the accused/petitioner and his workers were constructing a compound wall between his land and the defacto complainant's house, over which, there was a quarrel between them. The petitioner abused, assaulted the defacto complainant and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submitted that there was a civil dispute between the parties, over which, a false complaint has been foisted against him. Hence, prays to release the petitioner on anticipatory bail.

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4. The learned Government Advocate (Crl.Side) submitted that there was a dispute between the parties, on account of construction of compound wall. In this case, the injured was discharged from the hospital. In this case investigation is not yet completed. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, 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.

PNM

TO

1. The Judicial Magistrate, Tenkasi, Tenkasi District.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Kadaiyanallur Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-14346[I] dated 05/12/2022)

ORDER
IN
CRL OP(MD) No.21451 of 2022
Date :05/12/2022

RD/BUC/SAR-I(08/12/2022) 3P 6C