



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20888 of 2022

1. Ramalakshmi,
W/o. Govindaraj (Late)

2. Baskaran alias Baskar,
S/o. Govindaraj (Late)

3. Kasiyammal,
W/o. Govindaraj (Late)

4. Seethalakshmi,
W/o. Eswaran

5. Prabakaran,
S/o. Eswaran

... Petitioners/
Accused Nos.1, 2, 4, 5 & 6

Vs

The State Rep. by,
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.439 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karthik Kumar A,
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.439 of 2022 on the file of
the Respondent Police.



ORDER : The Court made the following order :-

The petitioners/Accused Nos.1, 2, 4, 5 & 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 323 and 506(ii) of IPC, in Crime No.439 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, on 16.11.2022, the petitioners and others had illegally trespassed into the defacto complainant's house, abused him in filthy languages, attacked him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to property dispute, this false case has been foisted against the petitioners. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that counter case in Crime No.355 of 2022 is pending against the de-facto complainant. 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 injured was treated as out-patient and no previous case is pending against the petitioners. He would further submit that the investigation in this case is still pending. Hence, he opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the fact that injured was treated as out-patient 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, Theni 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/-
25/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. The Judicial Magistrate, Theni District.

2. The Chief Judicial Magistrate, Theni District.

3. The Inspector of Police,
Palanichettypatti Police Station, Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.DINESH, Advocate (SR-13728[I] dated 25/11/2022)

ORDER IN
CRL OP(MD) No.20888 of 2022
Date : 25/11/2022

TR/SSS/SAR-III(07.12.2022) 3P 6C