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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21074 of 2022

1. Ganesan

2. Tamizharasan

... Petitioners/
Accused rank not known

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.190 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Srinivasaragavan S,
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.190 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, 148, 294(b), 323, 427, 448, 506(i), 509 and 379 of IPC, in Crime No.190 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners illegally entered into the occurrence place and attacked the defacto complainant, abused him in filthy languages and also threatened him with dire consequences. Hence, the complaint.

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



3.The learned counsel for the petitioners would submit that due to property dispute, this false case has been foisted against the petitioners. They are innocents and they have not committed any offence as alleged by the prosecution. Further, the petitioners shall abide any condition imposed by this Court. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners and other accused attacked the defacto complainant and also damaged the property worth about 1,00,000/- and snatched seven sovereigns of gold and cash of Rs.27,000/-. He would further submit that the petitioners are not having any previous case and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the nature of offence and considering the facts that there existed property dispute between the parties 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.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No. 190 of 2022 before the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the concerned Court.

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 District Munsif cum Judicial Magistrate, Peravurani, Thanjavur 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/-
29/11/2022

/ TRUE COPY /

16/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21074 of 2022
Date : 29/11/2022

RK/BUC/SAR-2 (16/12/2022) 3P/5C