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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

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

CRL OP(MD) . No.21404 of 2022

1. Sundarampal
2. Ramani

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
(Crime No.56 of 2022).

... Respondent/Complainant

For Petitioners : M/s Kannan.G, Advocate.

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.56 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 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.56 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the petitioners' party and the defacto complainant's party, they abused and assaulted each other. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. Counter case has been registered against the defacto complainant in Crime No.57 of 2022. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that due to pathway dispute between the petitioners' party and the defacto complainant's party, they abused and assaulted each other. Over which, two FIRs has been registered. Present case has been registered in Crime No.56 of 2022 and counter case has been registered in Crime No.57 of 2022.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thirupathur, Sivaganga District**, on condition that the petitioners shall execute 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 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 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 every day at 06.30 pm for a period of four weeks and thereafter, every Saturday at 06.30 pm 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sd/-

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

dss

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGA DISTRICT.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S KANNAN.G Advocate SR.No.14488

ORDER

IN

CRL OP(MD) No.21404 of 2022

Date :06/12/2022

SP/SSS/SAR III/15/12/2022/3P/6C