



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21638 of 2022

1. Mohan @ Murukanantham
2. Karthick
3. Vellaisamy @ Vallachami
4. Vijaya
5. Krishnan
6. Lakshmi @ Dhanalakshmi
7. Mani @ Manivel
8. K.M.Suryabalu @ Balakrishnan

... Petitioners/Accused No.1 to 8

Vs

The State Rep. By,
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No. 398 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Prakash.K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.398 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 294(b), 427 and 506(i) IPC in Crime No.398 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Thangavelu, is that due to enmity on account of a civil dispute, the accused had trespassed into the property of the de-facto complainant and assaulted him with iron rod, sickle and stick and also caused damage to the fence worth about Rs.1,50,000/-. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and there was a previous enmity between the petitioners and the de-facto complainant on account of civil dispute. He would further submit that the petitioners have succeeded in the civil suit and only wreck vengeance, a false complaint has been given. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that due to civil dispute, the petitioners trespassed into the land of the de-facto complainant and abused him and attacked him with iron rod, sickle and stick and also caused damage to the fence worth about Rs.1,50,000/-. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.I, Kulithalai, Karur 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 learned Magistrate concerned 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 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]**.



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

sd/-
07/12/2022

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/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. PRAKASH.K Advocate SR.No.60512(F) .

ORDER
IN
CRL OP(MD) No.21638 of 2022
Date :07/12/2022

SJI
USK/VR/SAR-III/16.12.2022/3P/6C