



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21696 of 2022

WEB COPY

1.Akash Regan @ Ahaz Reegan
(Wrongly mentioned as Akash Regan in
Cr.No.147/2022 instead of Ahaz
reegan)

2.Karbhagam @ Karpagam
(Wrongly mentioned as Karbhagam in
Cr.No.147/2022 instead of Karpagam)

... Petitioners/Accused Nos.1 & 2

-vs-

The State Rep.By
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
(Cr.No.147 of 2022)

... Respondent/Complainant

PRAYER: To enlarge the petitioner on Anticipatory bail in the event
of their arrest or surrender in connection with Cr.No.147 of 2022
dated 01.12.2022 on the file of the Respondent Police.

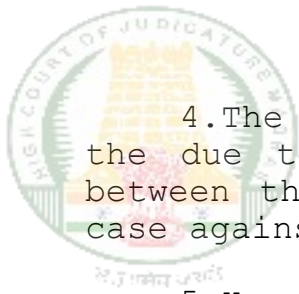
For Petitioners	: Mr.S.Vanchinathan, Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 352 and 506(i) IPC in Crime No.147 of 2022 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant,
is that during a quarrel, the petitioner party and the de-facto
complainant party assaulted each other resulting in registration of
case and counter case against both parties.

3.The learned Counsel for the petitioners would submit that the
petitioners are innocent and a false complaint has been given. He
would further submit that the second petitioner and the de-facto
complainant are siblings. The first petitioner is the son of second
petitioner and there are disputes pending with regard to
administration of school and thereby, a false complaint has been
given. He would further submit that it is case of case and case in
counter.



4.The learned Government Advocate (crl.side) would submit that due to administration of school, there are disputes pending between the parties resulting in registration of case and counter case against both parties.

5.Heard the learned counsel. Taking into consideration the facts and circumstances of the case, 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 District Munsif cum Judicial Magistrate Court, Ottapidram, Thoothukudi 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 everyday at 06.30 a.m., for a period of one weeks, thereafter, as and when required.

[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/-

08/12/2022

/ TRUE COPY /

/12/2022

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



To

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, OTTAPIDARAM,
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-14536[I] dated 08/12/2022)

ORDER

IN

CRL OP (MD) No.21696 of 2022

Date :08/12/2022

cmr

RS/SSS/SAR.2 (15.12.2022) 3P-6C