



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

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

CRL OP(MD) . No.22068 of 2022

1. Ganesan
2. Perumal
3. Santhanakumar @ Perumal

... Petitioners/Accused
1 to 3

Vs

State rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.154/2022).

... Respondent/Complainant

For Petitioners : M/s.Senthil Kumaraiah J, Advocate

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.154/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) of I.P.C, in Crime No.154 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, on 21.11.2022, the petitioners abused the defacto complainant in filthy language, assaulted and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners submitted that this the second anticipatory bail petition and the earlier petition was dismissed, on the ground that the investigation was at initial stage and the injured was taking treatment in the hospital. Now, the injured has been discharged from the hospital. The petitioners are innocent and since there was a property dispute between them, a false case was foisted against them by the defacto complainant, on the instigation of other brothers. No such occurrence took place, as alleged by the prosecution. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the first and second petitioners, who are sons of the defacto complainant and the third petitioner, who is the grand son of the defacto complainant, assaulted the defacto complainant, on account of property dispute. Though the injured was discharged from the hospital, the petitioners assaulted his own father/grand father. Hence, prays to dismiss the petition.

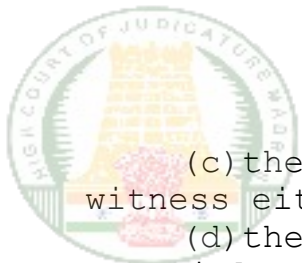
5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and nature of property dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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 No.I, Srivilliputhur**, 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 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the first and third petitioners shall report before the respondent Police daily at 10:30 a.m., and 05:30 p.m., until further orders and the second petitioner shall report before the respondent Police daily at 06:30 p.m., for a period of two weeks, thereafter, as and when required for interrogation;



(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

14/12/2022

/ TRUE COPY /

/12/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No.14939

ORDER

IN

CRL OP(MD) No.22068 of 2022

Date :14/12/2022