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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2022

PRESENT

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

CRL OP(MD). No.21791 of 2022

1. Vanitha

2. Mathavan

3. Jeyanthi

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Kombai Police Station,
Theni District.
Crime No.133 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

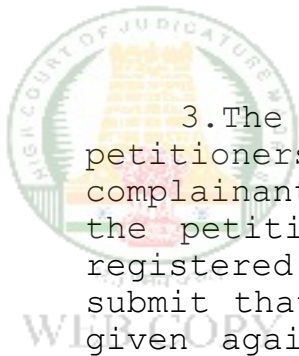
PRAYER :-

For Anticipatory Bail in Crime No.133 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 342, 323 and 506(i) IPC, in Crime No.133 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on account of a property dispute, the petitioners and the de-facto complainant abused and assaulted each other, resulting in both of them sustaining injuries and counter case has been registered against each other. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they are the victims and the defacto complainant party are the aggressors and on the complaint given by the petitioners' side, a case in Crime No.132 of 2022 has been registered against the de-facto complainant party. He would further submit that only as a counter blast, the present complaint has been given against the petitioners in Crime No.133 of 2022. He would further submit that the petitioners are having no previous case and that the injured have also been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) would submit that it is a case and case in counter. He would further submit that the petitioners and the de-facto complainant party abused and assaulted each other, resulting in both of them, sustaining injuries. Hence, he opposed to grant 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 Court, Bodinayakanur, 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., for a period of one week and thereafter, every Saturday 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 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE JUDICIAL MAGISTRATE, BODINAYAKKANUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3.THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21791 of 2022
Date :09/12/2022

RK/SSS/SAR-3 (22/12/2022) 3P/5C