



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21890 of 2022

1. Selvam
2. Balamurugan
3. Prabhu

... Petitioners/Accused Nos.1,3 & 4

Vs

The State Rep.by
The Inspector of Police,
Theni Police Station, Theni
(Crime No.404 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Jeganathan.C,
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.404 of 2022 on the file of the respondent Police

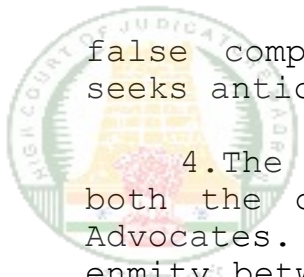
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(i) and 379 IPC in Crime No.404 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 when he went to a Document Writer's shop, A1 along with other accused came there and attacked one Murugan with hands and at that time, the defacto complainant intervened to pacify them and that the petitioners herein have attacked the defacto complainant and grabbed his bag which contains Rs.5,000/- and also threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that due to previous enmity with regard to the purchase of house property, a

<https://www.mhc.tn.gov.in/judis>



false complaint has been registered against the petitioner and seeks anticipatory bail.



4. The learned Government Advocate (Crl.Side) would submit that both the defacto complainant and first petitioner are practising Advocates. He would further submit that there was a previous enmity between them with regard to the purchase of property and it is a case of case and counter and the counter case has been registered in Crime No. 405 of 2022 against the defacto complainant and he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case and also considering the fact that it is case of case and 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, Theni 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 daily at 5.30 p.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/-

12/12/2022

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/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI

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

+1 CC to M/s.JEGANATHAN.C, Advocate (SR-14813[I] dated 14/12/2022)

ORDER

IN

CRL OP(MD) No.21890 of 2022

Date :12/12/2022

TRP

MK/VR/SAR 1/19.12.2022/3P/6C