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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23222 of 2022

1. Thilakar @ Francis Thilagaraj

2. Poomagal

3. Franklin @ F.Kilindan ... Petitioners/Accused No.1 to 3

Vs

The state represented by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
Cr.No.337/2022. ... Respondent/Complainant

For Petitioners : M/s. Sudalaiyandi.K, Advocate
For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

PRAYER :-
For Anticipatory Bail in Crime No.337/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 294(b), 427 and 506(ii) of I.P.C, in Crime No.337 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to previous enmity, on 29.10.2022, while the defacto complainant and his wife were at work in S.Abdul Khar Gardan, the accused persons trespassed into the said Garden, smashed and toppled the cement wire fences therein. They also abused the defacto complainant and his wife with filthy language and also threatened them with dire consequences. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since there was a previous enmity between them. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though in this case, no one was injured, the petitioners were abused and assaulted the defacto complainant and his wife and also caused damages to the cement wire fences. 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 considering the fact that no one was injured in the occurrence, 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, Radhapuram***, 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 petitioners shall report before the respondent Police daily at 10:30 a.m., until further orders;

(c)the petitioners shall not tamper with the 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

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Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2 R SCW 5560***]; and;

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

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sd/-
28/12/2022

/ TRUE COPY /

29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnm/lr

TO

1.THE JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-15610[I] dated 28/12/2022)

ORDER
IN
CRL OP(MD) No.23222 of 2022
Date :28/12/2022

RK/GB/SAR-3 (29/12/2022) 3P/6C

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