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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

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

CRL OP(MD). No.23265 of 2022

1. Jeyabalan

2. Ganesan

... Petitioners/Accused No.1&2

Vs

State Rep. by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
Crime No.155/2022.

... Respondent/Complainant

For Petitioners : M/s Mariappan.N,
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.155/2022 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 offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No.155 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the petitioners and the defacto complainant regarding grazing of cattle, due to which, the petitioners attacked the defacto complainant with hands and abused filthy language and also threatened with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners. He further submitted that injury is simple in nature.

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 -injury is simple in nature, 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.1, Sattur, 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 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/-
28/12/2022

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29/12/2022

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

RMI

TO

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

ORDER
IN
CRL OP(MD) No.23265 of 2022
Date : 28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/5C