



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT



WEB COPY

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

CRL OP(MD). No.23274 of 2022

1. Mariyappan
2. Sanmugavel
3. Sathish @ M.Sathish Kumar ... Petitioners/Accused Nos.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.315/2022.

... Respondent/Complainant

For Petitioners : Mr.Mani Anandh.P,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

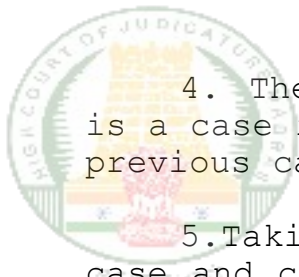
PRAYER :-For Anticipatory Bail in Cr No.315/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 355 and 506(i) of I.P.C., in Crime No.315 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners unloaded M-sand in front of the defacto complainant's house to construct toilet. When the defacto complainant questioned the same, the accused assaulted and abused and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that there is a civil dispute between the petitioners and the defacto complainant. Due to said motive, a false case has been registered. Hence, he prayed for anticipatory bail.



4. The learned Additional Public Prosecutor submitted that it is a case in counter case and the Accused Nos.1 and 2 are having the previous case. Hence, he prayed for dismissal of this petition.

5. Taking into consideration the facts and circumstances of the case and considering the fact that there is a civil dispute pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Nanguneri**, 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 1 and 3 shall report before the respondent Police daily at 10:30 a.m., until further orders;

(c) the second petitioner shall report before the respondent police as and when required for interrogation.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

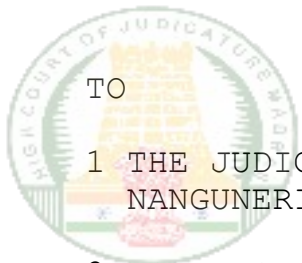
sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE

KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.23274 of 2022

Date :28/12/2022

IAS

MK/SKN/SAR 2/29.12.2022/3P/5C