



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.23282 of 2022

WEB COPY

1. Baskar
2. Jayaprakash
3. Alagumari

... Petitioners / Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
Crime No.236 of 2022.

... Respondent / Respondent

For Petitioners : M/s.Veerakumar T,
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.236/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

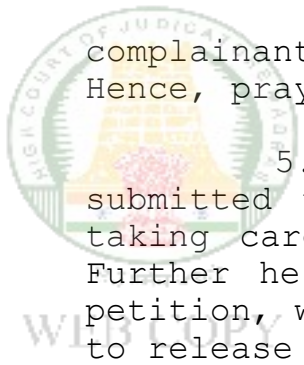
The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.236 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to land dispute, the petitioners abused and assaulted the defacto complainant with filthy language and also criminally threatened him. Hence, the complaint.

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 land dispute between the parties. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the petitioners abused and assaulted the defacto

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



complainant and the injured is still taking treatment as in. Hence, prays to dismiss the petition.

5. In response, the learned counsel for the petitioners submitted that since the third petitioner is a female and she is taking care of her children. It is a case and case in counter. Further he submitted that he may be permitted to not press this petition, with regard to the first and second petitioners and prayed to release the third petitioner on anticipatory bail.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail only to the third petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is partly allowed in respect of third petitioner alone and the third petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Muthukulathur, Ramanathapuram District**, on condition that the third petitioner 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 third petitioner 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 third petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders;

(c) the third petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the third petitioner 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 third petitioner in accordance with law, as if the conditions have been imposed and the third petitioner 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/ third petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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9. This Criminal Original Petition is dismissed against the first and second petitioners.



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,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUTHUKULATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23282 of 2022
Date :28/12/2022

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