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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

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

CRL OP(MD) . No.88 and 89 of 2023

1. Dheivendran,
2. M.Kirubakaran,

... Petitioners/A1 & A2
in both petitions

Vs

The State rep.by,
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime Nos.397 and 225 2022).

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : M/s.Arunnithy S,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.397 and 225 of 2022 on the
file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2 in Crl.O.P.(MD)No.88 of 2023, who
apprehend arrest at the hands of the respondent police for the
offences punishable under Sections 294(b), 324 and 506(ii) of
I.P.C., in Crime No.397 of 2022 on the file of the respondent
police, seek anticipatory bail.



2.The petitioners/A1 and A2 in Crl.O.P.(MD)No.89 of 2023, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(i) of I.P.C., in Crime No.225 of 2022 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution, in both petitions, is that due to property dispute between the first petitioner and the de-facto complainant, the first petitioner attacked the de-facto complainant with iron rod at the instigation of the second petitioner. Hence, the cases.

4.The learned counsel for the petitioners would submit that the petitioners and the de-facto complainant are siblings and due to property dispute, false complaints have been given against them. Hence, he would seek for anticipatory bail.

5.The learned Government Advocate (Crl. side) would submit that on account of a property dispute between the first petitioner and the de-facto complainant, the first petitioner attacked the de-facto complainant with iron rod at the instigation of the second petitioner and hence, he would oppose for grant of anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

8.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, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) in both petitions with two common 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 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.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/-
24/01/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE,
DINDIGUL.

2 -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

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

+2. CC to M/S.ARUNNITY.S, Advocate SR.No.1076(I) & 1077(I)

ORDER
IN
CRL OP (MD) No.88 and 89 of 2023
Date :24/01/2023