



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.134 of 2023

1. Ravi @ Chinnakalai,
2. Balamurugan,
3. Saravanan,
4. Danasekaran,
5. Rajapandi,
6. Ganesan @ Ganesh,
7. Hariharan,
8. Thirugnanam,

... Petitioners/Accused 1 to 8

Vs

State Rep by
The Inspector of Police,
Natham Police Station,
Dindigul District
(Crime No.463 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Badurus Zaman.K.R.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.463 of 2022 on the file of
the respondent police



ORDER : The Court made the following order :-

The petitioners/A1 to A8 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,447,294(b),323,324 and 506(ii) of IPC in Crime No.463 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that due to civil dispute the petitioners herein unlawfully assembled together and trespassed in the property of the sister of the defacto complainant, abused the defacto complainant, assaulted him and also threatened with dire consequences and also caused damages to the properties. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that there was civil dispute between the parties and even as per the findings of the civil Court, the petitioners are stated to be in possession of the properties, whereas false complaint has been given denying the right of the petitioners over the property. He would also submit that A3, A4 and A7 are college students and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit due to civil dispute the petitioners herein unlawfully assembled together and trespassed in the property of the sister of the defacto complainant, abused the defacto complainant, assaulted him and also threatened with dire consequences.

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

6. Taking into consideration the facts and circumstances of the case and also the fact that it is only a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 District Munsif cum Judicial Magistrate, Natham** on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners A3, A4 and A7 shall report before the respondent police everyday at 5.30 p.m., for a period of two weeks and thereafter as and when required for interrogation and the petitioners A1, A2, A5, A6 and A8 shall report before the respondent police daily at 10.30 am., 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/-
05/01/2023

/ TRUE COPY /

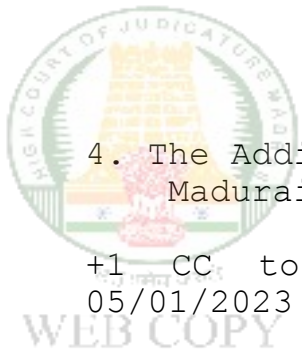
/01/2023

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

AAV

TO

1. The District Munsif cum Judicial Magistrate, Natham
2. Do Through The Chief Judicial Magistrate, Dindigul.
3. The Inspector of Police,
Natham Police Station,
Dindigul District.



CRL OP(MD)



23

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.BADURUS ZAMAN.K.R., Advocate (SR-186[I] dated
05/01/2023)

ORDER
IN
CRL OP(MD) No.134 of 2023
Date : 05/01/2023

TR/MMS/SAR-I (12.01.2023) 4P 6C