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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2023

PRESENT

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

CRL OP(MD) . No.3352 of 2023

1.Mayandi

2.Ramesh ... Petitioners/Accused (Rank Not Known)

Vs

The State Rep.by
The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.14/2023). ... Respondent/Complainant

For Petitioners :Mr.C.Senthil Murugan

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2023 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 294(b), 323, 506(i) I.P.C, in Crime No.14 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a land dispute between the parties, due to which, the accused abused and assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that there was a land dispute between the parties, over which, a false complaint has been foisted against them. No one injured in this

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case. Hence, prays to release the petitioners on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no case/FIR pending against the first petitioner. The second petitioner has abused and assaulted the defacto complainant. In this case, though no one was injured in the occurrence, the investigation is not yet completed. Hence, prays to dismiss the petition.

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

6. Since no case/FIR is pending against the first petitioner, this Criminal Original Petition is closed, in respect of first petitioner.

7. Taking into consideration the facts and circumstances of the case and the fact that no one was injured in the occurrence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruppathur**, on condition that the second petitioner shall execute a 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 second petitioner 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 second petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the second petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

sd/-

21/02/2023

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/ 03 /2023

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

PNM

TO

1. The Judicial Magistrate, Thiruppathur.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SENTHILMURUGAN, Advocate (SR-2754[I] dated
23/02/2023)

ORDER

IN

CRL OP(MD) No.3352 of 2023

Date :21/02/2023

RD/VS/SAR-III 01/03/2022 **3P** 6C