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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

PRESENT

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

CRL OP(MD) . No.3546 of 2023

1. Subbaiah	... 1 st Petitioner/2 nd Accused
2. Swamynathan K P	... 2nd Petitioner/4 th Accused

Vs

The Inspector of Police,
Palayanur Police Station,
Sivagangai.

(Crime No.4/2023) .

... Respondent/Complainant

For Petitioner : K.Srinivasaragavan,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.4 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous dispute regarding the administration and maintenance of the temple and temple accounts, the accused abused the de-facto complainant in filthy language, attacked him and also criminally intimidated him. Hence, the case.

<https://www.hcma.gov.in>



3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to previous dispute regarding the administration and maintenance of the temple and temple accounts, the accused abused the de-facto complainant in filthy language, attacked him and also criminally intimidated him and hence, he would object for grant of anticipatory bail. However, he would also submit that the petitioner is not having any previous case.

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

6.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:

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 Judicial Magistrate, Thiruppuvanam, Sivagangai, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/02/2023

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/03/2023

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

SJI

TO

1.THE JUDICIAL MAGISTRATE, THIRUPPUVANAM, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI.

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

+1 CC to M/s.S.LOGANATHAN, Advocate (SR-2840[I] dated 24/02/2023)

ORDER
IN
CRL OP(MD) No.3546 of 2023
Date :23/02/2023

RK/SBN/SAR-1 (03/03/2023) 3P/6C