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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.3524 of 2023

1. Kumar

2. Thiagarajan

... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.73 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Murugappan R,

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

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

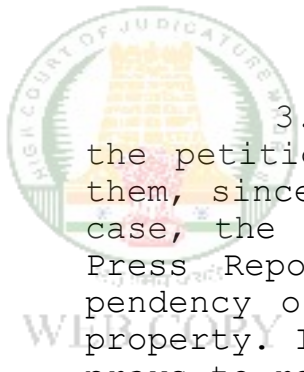
PRAYER :-

For Anticipatory Bail in Cr.No.73 of 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 353, 506(i) of I.P.C, in Crime No.73 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Executive Officer, Marudhur is that on 07.02.2023 at about 12.30hours, when he came to survey the property, the accused persons abused and prevented him from surveying the property and also threatened him. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners are innocent and a false case was foisted against them, since there was a previous enmity between the parties. In this case, the first accused is an Advocate and the second accused is a Press Reporter. They informed the defacto complainant about the pendency of civil suit. Despite that he attempted to survey the property. In this case no one was injured in the occurrence. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, though no one was injured in the occurrence, the accused persons prevented the defacto complainant from surveying the land. Hence, prays to dismiss the petition.

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

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

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Kulithalai, Karur District**, 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 learned 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 two weeks, thereafter, as and when required by the respondent Police;

(c)the petitioners shall not tamper with the 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**



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SCW 5560]; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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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 No.II, Kulithalai, Karur District.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Kulithalai Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-2835[I] dated 24/02/2023)

ORDER

IN

CRL OP(MD) No.3524 of 2023

Date : 23/02/2023

NA/SAR-4/08.03.2023/3P/6C