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CRL OP(MD).



23

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

Date : 14/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4768 of 2023

1. Govindraaj
 2. Kanthavasagan
 3. Balasubraminian
 4. Esakimuthu
 5. Chelladurai
- ... Petitioners/Accused No.1 to 5

Vs

The State rep.by,
Inspector of Police,
Sattankulam Police Station
Thoothukudi District.
In Crime No.221 of 2022..

... Respondent/Complainant

For Petitioners : M/s.S.Prabha,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.221 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147,294(b),427,506(ii) of I.P.C in Crime No. 221 of 2022 on the file of the respondent police, seek anticipatory bail.

<https://www.mca.gov.in/judice>



2. The case of the prosecution as per the de-facto complainant is that due to civil dispute the petitioners herein abused and assaulted the defacto complainant and threatened with dire consequences and also caused damage to the trees and compound wall, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that the no one sustained injuries in the said occurrence, this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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, Sathankulam, 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 deposit the sum of Rs.2,000/- to the credit in crime number 221 of 2022 before the learned Judicial Magistrate, Sathakulam without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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

<https://www.mca.gov.in/Misc> Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560]**; and;

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

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

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TO

1.THE JUDICIAL MAGISTRATE, SATHANKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3 THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.PRABHA, Advocate (SR-4190[I] dated 14/03/2023)

ORDER

IN

CRL OP(MD) No.4768 of 2023

Date :14/03/2023

RK/MMS/SAR-2 (16/03/2023) 5P/6C