



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

Date : 20/03/2023

PRESENT

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

CRL OP(MD) . No.5138 of 2023

1. N.Ramachandran

2. Amarnath ... Petitioners/Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
Cr.No.61/2023.

... Respondent/Complainant

For Petitioners : M/s.S.Atham Ali,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener : Mr.Sathyachidambaram, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 61/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 506(i) of I.P.C and section 4 of TNPHW Act in Crime No. 61 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 11.03.2022 the petitioners herein trespassed into house of the defacto complainant abused and assaulted the defacto complainant and threatened with dire consequences.



3. Heard both side and perused the materials available on record including the First Information Report. It is reported that the petitioner has got three previous cases.

4. Though the petitioners already got three previous cases, it is seen from the record that they were arising out of same complainant and in respect of very same dispute the defacto complainant being a neighbor disputing for the land. In the present case the petitioner also sustained injuries and still taking treatment. That apart counter case has also been registered in Crime No.62 of 2023. Taking into consideration of the facts and circumstances 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, Periyakulam, 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 two weeks and thereafter as and when required for interrogation

[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].



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CRL OP(MD).



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/03/2023

/ TRUE COPY /

/03/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3.THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5138 of 2023
Date :20/03/2023

RK/MMS/SAR-1(24/03/2023) 3P/5C