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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5889 of 2023

1. Panchavarnam,
2. Manimegalai,
3. Veerapandi Subbaiah,
4. Nithya Dharsini,
5. A.L.Shantha Kumar, ... Petitioners/Accused Nos. 1 to 5

Vs

State Rep.by
The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagngai District.
(Crime No.50/2023).

... Respondent/Complainant

For Petitioner : Mr M.Shakulhameed, Advocate.

For Intervenor : Mr.S.Muthumalai Raja, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

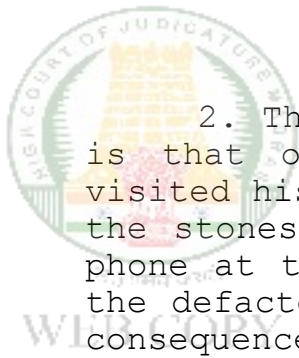
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.50/2023 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 147,448,341,294(b),323 and 506(i) of IPC in Crime No. 50 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the de-facto complaint it is that on 22.03.2023 the defacto complainant and his relative visited his mother's land and at that time the accused persons fixed the stones in the said land. He shoot the video through his cell phone at that time the accused persons stopped his car and abused the defacto complainant in filthy language and threatened with dire consequences, hence the case.

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

4. The learned counsel appearing for the defacto complainant would submit that the defacto complainant is none other than the son of his first wife. One Ramaiah (late) have property in which the petitioners created so many documents. Therefore on the complainant a case in Crime No.35 of 2022 was registered. In fact suit was filed and decreed in favour of the defacto complainant, hence he objected to grant anticipatory bail to the petitioners, whereas it is seen that the petitioners and the defacto complainant are relatives and the first accused is none other than the second wife of late Ramaiah. In the present case the defacto complainant sustained simple injuries and discharged from the hospital. Taking into consideration the facts and circumstances of the case and also this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

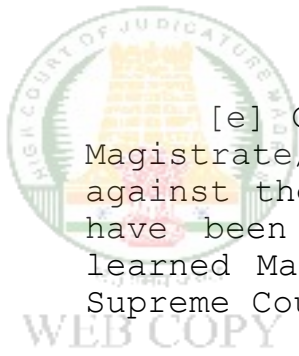
5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned judicial Magistrate, Karaikudi, Sivagangai District on condition that the petitioners 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 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 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].

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

sd/-
29/03/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUTHUMALIRAJA, Advocate (SR-5041[I] dated 29/03/2023

+2 CC to M/s.M.SHAKUL HAMEED, Advocate (SR-5051[I] dated 29/03/2023

ORDER
IN
CRL OP(MD) No.5889 of 2023
Date :29/03/2023

PKP/CG/SAR-3/03.04.2023/ **3P/8C**