



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

Date : 12/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.6698 of 2023

WEB COPY

1. Nagajothi
2. Surajkumar
3. Sivamaya

... Petitioners / Accused Rank not known

Vs

The State rep by
The Inspector of Police,
Samayanallur Police Station
Madurai District.

(Crime No.68 of /2023). ... Respondent / Complainant

For Petitioner : Mr.R. Shankar Ganesh, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.68/2023 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 420 and 506(ii) of I.P.C., in Crime No.68 of 2023 on the file
of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute,
the petitioners abused the de-facto complainant in filthy language
and threatened him with dire consequences. Hence, the case.

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

4.It is seen that the first petitioner owned a property and her
share was sold out to the de-facto complainant. When the de-facto
complainant verifying the property, there were some encroachers in
the said property. Therefore, all the allegations are civil in
nature and thereby, the custodial interrogation of the petitioners
is not required in this case.



5. 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:

6. 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, Vadipatti, Madurai 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/04/2023

/ TRUE COPY /

/04/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Vadipatti, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R. SHANKAR GANESH, Advocate (SR-5735[I] dated
12/04/2023)

ORDER

IN

CRL OP(MD) No.6698 of 2023

Date :12/04/2023

ED/SSS/SAR-3 (24/04/2023) 3P 6C