



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04.05.2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8503 of 2023

1.Thirumalai Kumar
2.Moorthy
3.Dhanasekaran

... Petitioners/Accused 1 to 3

Vs.,

State rep., by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.83/2023).

... Respondent/Complainant

For Petitioners : Mr.J.Jeyakumaran, Advocate
For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.83 of 2023 on the file of the Respondent Police.

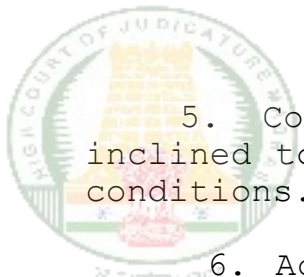
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 109 and 506(ii) of IPC, in Crime No. 83 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant and thereby, the petitioners threatened the defacto complainant with dire consequences. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioners are innocent persons and they have been falsely implicated in this case.

4. On the side of the prosecution, it is stated that it is the civil dispute and there was no injury.



5. Considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this 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, Rajapalayam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am., for a period of four 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]**; and;

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

sd/-

04/05/2023

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

RMK

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8503 of 2023

Date :04/05/2023

SA/VR/SAR.4/08.05.2023/3P/5C