



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.8558 of 2023

1. Anbarasi
2. Rengarajan
3. Ranikannu
4. Nedumaran
5. S.Rassia ... Petitioners/A-1,A3 to 6

Vs

The State rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur District
(Crime No.153/2023).

... Respondent/Complainant

For Petitioners : M/s.Herold Singh.S.C., Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.153/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A3, A4, A5, A6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 448, 427, 506(i), 379 I.P.C, in Crime No.153 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the parties, over which, on 23.01.2023, the accused persons had criminally trespassed into the house of the defacto complainant, threatened her and also snatched away 4 sovereigns of gold jewels and Rs.5,000/- from her. Hence, the complaint.



3. On the side of petitioners, it is stated that the petitioners are innocent and had not committed any offence, as alleged by the prosecution. A false case has been foisted on account of civil dispute between the parties. Originally, the disputed property is in possession of the petitioners. In this regard, already a civil suit in O.S.No.175 of 2020 is pending before the Principal District Munsif Court, Thanjavur. Only the defacto complainant is trying to grab the property. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that there was a civil dispute between the parties, over which, the alleged occurrence has taken place. Hence, prayed to dismiss the petition. However, it is stated that the petitioners are not having any previous case at their credit.

5. Considering the civil dispute between the parties and pendency of civil suit and also considering the fact that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original 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 No.II, Thanjavur 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders;

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

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 [(2019) 4 SCC 556]; and;

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

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sd/-
04/05/2023

/ TRUE COPY /

/05/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8558 of 2023
Date :04/05/2023

SA/MMS/SAR.1/05.05.2023/3P/5C