



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

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8652 of 2023

1. Murugan
2. Pothumponnu

... Petitioners/Accused 1 & 2

Vs

State rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
Cr.No.249 of 2023.

... Respondent/Complainant

For Petitioners : Mr.Malaiyendran.V,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 249/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323 and 506(i) of IPC in Crime No.249 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was property dispute between the defacto complainant and her brother-in-law Murugan for a long time. While so, on 20.04.2023, the said Murugan and his wife Pothumponnu, who are the petitioners herein, were digging a hole in the defacto complainant's place. When the same was questioned, the petitioners abused the defacto complainant with filthy language, assaulted with wooden log and also threatened her with dire consequences. Hence, the complaint.



3. The learned Government Advocate on instructions would submit that the petitioners and the defacto complainant are relatives. The petitioners are having one previous case and this is a case in counter case.

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4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and also considering the facts that the petitioners and the defacto complainant are relatives, civil dispute is pending between them and this is a case in counter 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 to 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 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 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 are 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;



CRL OP(MD).

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(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
10/05/2023

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

MBI

TO

1. The Judicial Magistrate,
Melur, Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Melur Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-7253[I] dated
10/05/2023)

ORDER

IN

CRL OP(MD) No.8652 of 2023

Date : 10/05/2023

NA/VR/SAR-4/12.05.2023/3P/6C