



WEB COPY

CRL OP(MD).



23

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.8655 of 2023

1. Kavitha
2. Kannan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Cr.No.156/2023.

... Respondent/Complainant

For Petitioners : Mr.K.Rajesh, 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.156/2023 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, 326 of IPC in Crime No.156 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 28.04.2023, while the defacto complainant was fencing her property, there was wordy quarrel between the petitioners and the defacto complainant. At that time, the defacto complainant was assaulted by the petitioners, due to which, she sustained injury. Hence, the complaint.

3. The learned Government Advocate on instructions would submit that this is a case in counter case. The counter case was registered in Crime No.157 of 2023. He would further submit that it is a property dispute between siblings.



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 siblings 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;

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

sd/-

10/05/2023

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/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE COURT, MELUR, MADURAI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8655 of 2023

Date :10/05/2023

RS/BUC/SAR-3 (17.05.2023) 3P 5C