



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

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PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CRL OP(MD). No.8660 of 2023

1. Selvakumar,
2. Baskar,
3. Dharmaraj, ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.248/2023. ... Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.248/2023 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), 427, 442 and 506(ii) of IPC in Crime No.248 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 were trespassed into the defacto complainant's property, abused him with filthy language and threatened him with dire consequences. They were also damaged the tree worth about Rs.5,000/-. Hence, the complaint.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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, Papanasam, 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 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 are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of Crime No.248 of 2023 before the learned Judicial Magistrate, Papanasam, without prejudice to their rights and contentions before the trial Court and file the receipt/acknowledgment before the concerned Court along with surety affidavits;

(c) 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;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

sd/-
10/05/2023

/ TRUE COPY /

/05/2023

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

CP
TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-7257[I] dated
10/05/2023)

ORDER
IN
CRL OP(MD) No.8660 of 2023
Date :10/05/2023

PKP/CG/SAR-1/17.05.2023/ **3P/6C**