



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.8747 of 2023

1. Jeyaraj
2. Soundharya
3. Vijaya
4. Premanand
(Name Was Wrongly
Mentioned as Premkumar in Fir).
5. Dhivya ... Petitioners / Accused No.1 to 5

Vs

State through
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.36 of 2023). ... Respondent / Complainant

For Petitioner : R.Venkatesan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.36/2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under sections
147, 148, 294(b), 324, 448, 427, 506(2) IPC and Section 4 of TN
Prohibition of Harassment of Women Act, 2002 in Crime No.36 of 2023
on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on 21.01.2022, to property dispute the petitioners said to have attacked the defacto complainant by using iron rod and also threatened him with dire consequences. Hence, the complaint.

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

4. It is submitted by the learned Government Advocate (Crl. Side) that it is a property dispute between the parties and the injured was treated as out patient and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that injured was treated as out patient, 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 Additional Mahila Court, Sivaganga 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 shall report before the Judicial Magistrate-II, Coimbatore 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



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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/05/2023

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

TRP

To

1.The Judge,
Additional Mahila Court, Sivaganga.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1.The Judicial Magistrate No.II,
Coimbatore.

2.Do through the Chief Judicial Magistrate,
Coimbatore District.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-7311[I] dated 11/05/2023)

ORDER

IN

CRL OP(MD) No.8747 of 2023

Date :10/05/2023

ED/BUC/SAR- 4 (12/05/2023) 3P 7C