



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.05.2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD)No.8780 of 2023

1.J.Anand Eugin
2.B.Ashok Veslee

... Petitioners/A1 & A2

Vs

State Rep by
The Inspector of Police,
Sathankulam Police Station,
Sathankulam, Thoothukudi District.
(Crime No.71 of 2023)

... Respondent/Complainant

For Petitioners : Mr.K.Gukan, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.71 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 457, 294(b), 506(i) IPC in Crime No.71 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons have created forged patta in their favour for the land belonging to the defacto complainant's father and on 02.05.2023, the accused persons entered into the defacto complainant's property and damaged building and also made life threat. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case.



4.The learned Government Advocate (Criminal Side) appeared for the respondent police would submit that investigation is pending.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.20,000/- each to the credit of Cr.No.71 of 2023 before the learned Judicial Magistrate, Sathankulam, within a period of two weeks from the date of receipt of a copy of this order.

6.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sathankulam, on condition that the petitioner 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 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 once in a week i.e., on every Wednesday at 10.30 a.m., for a period of three months.

[c]the petitioners shall not tamper with the 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 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

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/05/2023

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

gns



TO

1 THE JUDICIAL MAGISTRATE, SATHANKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, SATHANKULAM POLICE STATION, SATHANKULAM,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.GUHAN, Advocate (SR-7428[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8780 of 2023

Date :17/05/2023

RS//SAR-(25.05.2023) 3P 6C