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CRL OP(MD).



23

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

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.8988 of 2023

1. Senthilkumar

2. Kavipriya

3. Lakshmi

... Petitioners/1to3 Accused

Vs

The State rep.by,
The Inspector of Police,
Woraiyur Police Station,
Trichy City,
Crime No.774 of 2023

... Respondent/Complainant

For Petitioner : Mr.Saravana Kumar.J,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.774 of 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 alleged offences punishable under Sections
294(b), 323, 427 and 506(i) of IPC, in Crime No.774 of 2023 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute
between the defacto complainant and the petitioners, there was a
wordy quarrel between them. The petitioners have assaulted the
defacto complainant, her husband and damaged the defacto
complainant's house. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) would submit that there is a land dispute between the defacto complainant and the petitioners and this is a case in counter case.

5.Considering the facts and circumstances of the case, the fact that there is a land dispute between the defacto complainant and the petitioners and that this 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Trichy 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police on every Wednesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation. The petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

(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]**; and;



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

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

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TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8988 of 2023
Date : 18/05/2023

RK/SAR- (26/05/2023) 3P/5C