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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.8987 of 2023

1.Balamurugan

2.PalanichamyPetitioners/Accused Nos. 1 & 2

Vs

State rep.by

The Inspector of Police,
Cumbum North Police Station,
Theni District.

(In Crime No.2 of 2023) ... Respondent/Complainant

For Petitioners: Mr.S.Vidhya Sagar,Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 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, 324, 342 and 506(ii) of IPC, in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, due to which, the petitioners along with other accused abused and assaulted the defacto complainant and also threatened with dire consequences. 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 due to land dispute between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant and threatened him with dire consequences.

5. Considering the facts and circumstances of the case and also considering the fact that there existed civil dispute between the parties, 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, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** 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 Monday at 10.30 am., for a period of four weeks and thereafter, as and when required for interrogation; the second petitioner 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/-

18/05/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VIDHYA SAGAR.S, Advocate (SR-7593[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.8987 of 2023

Date :18/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/6C**