



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.9300 of 2023

1. Lakshmi,

2. Pandiselvam,

... Petitioners/Accused No.1 & 4

Vs

State Rep.by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.66/2023)..

... Respondent/Complainant

For Petitioner : M/s.Ganesh Kumar P,
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.66/2023 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 109, 294(b), 323, 324, 506(ii) of IPC, in Crime No.66 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an advocate and his mother was staying alone at his village. Due to land dispute, on 17.04.2023, at about 02.00 p.m, the petitioners along with other accused said to have trespassed into the land of the defacto complainant and they pastured the cattle. When the same was questioned by the defacto complainant's mother, they assaulted her and cause injury. 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. He would further submit that this is a second anticipatory bail application. Earlier petitioner was dismissed by this Court as against the petitioners are concerned. It is a case and case in counter case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter case. Counter case has been registered in Crime No.65 of 2023.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter case and counter case has been registered against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.66 of 2023**, without prejudice to their rights and contentions before the learned Judicial Magistrate, Singampunari.

7.On production of such receipt, 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 learned Judicial Magistrate, Singampunari, 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:

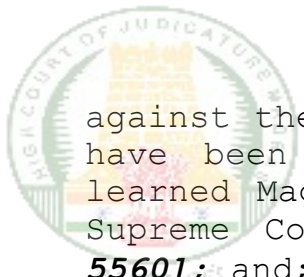
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police alternative days at 10.30 am., for a period of 8 weeks and thereafter, 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.

8.The defacto complainant is permitted to withdraw the said amount.

sd/-
18/05/2023

/ TRUE COPY /

/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

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

ORDER
IN
CRL OP(MD) No.9300 of 2023
Date :18/05/2023

PKP/ /SAR- /24.05.2023/ **3P/5C**