



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

Date : 06/06/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9719 of 2023

1. Franklin @ Franklin Premkumar
2. Murugan
3. Pitchaikani@ Pitchai ... Petitioners/Accused Nos.1 to 3

Vs

State through
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District
(Crime No.287 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Raja Mohamed.B.N,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.287 of 2022 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
447, 294(b), 427 and 506(2) of I.P.C., in Crime No.287 of 2022 on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.10.2022 at 03.30
p.m., the petitioners trespassed into the land of the de-facto
complainant and abused him in filthy language and also threatened
the de-facto complainant and his employee by showing spade. Hence,
the case.



3.Heard. Perused the materials available on record of the First Information Report. It is submitted by the learned Government Advocate (Crl.side) for the respondent that no one has sustained injury in this case.

4.Taking into consideration of the facts and circumstances of the case and also the facts that the petitioners are not having any previous case and no one has sustained injury in this case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5.Accordingly, the petitioners shall jointly deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.287 of 2022 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, without prejudice to their rights and contentions.

6.On such deposit being made, 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 on which the order copy made ready, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, 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 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 respondent Police, 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 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].



CRL OP(MD).



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[f] If the accused thereafter abscond, a fresh FI registered under Section 229A IPC.

sd/-
06/06/2023

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/06/2023

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

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TO

1. The Judicial Magistrate,
Nanguneri, Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.9719 of 2023

Date : 06/06/2023

NA/SSS/SAR- /12.06.2023/3P/5C