



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2023

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PRESENT

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

CRL OP(MD)No.10029 of 2023

1.Kumar @ T.K.Kumarar

2.Seethaiyammal @ Seethaiyammal Thangavel

(*)3.Buvana @ Pooranam @ Poovi

... Petitioners/Accused No.1 to 3

Vs

The State rep.by
The Sub Inspector of Police,
Alanganallur Police Station,
Madurai Taluk, Madurai District.
(Crime No.220 of 2023)

... Respondent/Defacto Complainant

For Petitioners : Mr.A.A.Ajmal Khan,
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.220 of 2023 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 452, 379 IPC in Crime No.220 of 2023, seek anticipatory bail.



2.The case of the prosecution is that there was property dispute between the petitioners and the defacto complainant. Due to the same, the petitioners entered into the defacto complainant's property and removed the fence. Hence the case.

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3.Heard both sides and perused the materials available in the record.

4.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5.Accordingly, 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 Court, Vadipatti 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 first petitioner 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 second and third petitioners shall report before the respondent police as and when required;

[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].



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

sd/-

09/06/2023

(*) AMENDED AS PER ORDER OF THIS COURT DATED 06.07.2023 IN CRL MP(MD) NO.9641 OF 2023 IN CRL OP(MD) NO.10029 OF 2023

THE TIME GRANTED BY THIS COURT VIDE ORDER IN CRL.O.P(MD)NO.10029 OF 2023 DATED 09.06.2023 IS EXTENDED FURTHER FOR A PERIOD OF FIFTEEN DAYS FROM THE DATE OF RECEIPT OF COPY OF THIS ORDER.

/ TRUE COPY /

/07/2023

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

gns

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/06/2023 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE SUB INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION, MADURAI TALUK, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate SR-10450

ORDER

IN

CRL OP(MD) No.10029 of 2023

Date : 09/06/2023

RK/CG/SAR- (16/06/2023) 3P/6C
RK/MMS/SAR- (18/07/2023) 3P/6C