



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/06/2023

PRESENT

WEB COPY

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

CRL OP (MD) . No.10544 of 2023

1. Kumar Muthukumar

2. Kasiammal Kasiduraichi ... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Nalatinpudur Police Station,
Thoothukudi District.
Cr.No.93/2023.

... Respondent/Complainant

For Petitioner : M/s.Prabu.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.93/2023 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323, 355 and 506(ii) of I.P.C and Section 4 of TNPWH Act, in
Crime No.93 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 parties, the petitioners quarrelled with the de-facto
complainant, abused her in filthy language, attacked her with hands
and harassed her and threatened her with dire consequences. Hence,
the case.

3.Heard. Perused the materials available on record including
the First Information Report.



4.It is submitted by the learned Additional Public Prosecutor that the injured has been discharged from the hospital and one previous case is pending against the petitioners.

5.Taking into consideration of the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kovilpatti, 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; and the second petitioner shall report before the respondent police 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].

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

sd/-

15/06/2023

/ TRUE COPY /

/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
NALAITHINPUDUR POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-8867[I] dated 15/06/2023)

ORDER

IN

CRL OP(MD) No.10544 of 2023

Date :15/06/2023

SS/CG/22/06/2023/3P/6C