



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

Date : 23/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11308 of 2023

WEB COPY

1. V.P.Malaisamy,
2. Ponram, ... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Thenkarai Police Station
Theni District.

... Respondent/Complainant

For Petitioner : M/s.Subbiah.P,
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.235 of 2023 on the file of the
respondent police

ORDER : The Court made the following order :-

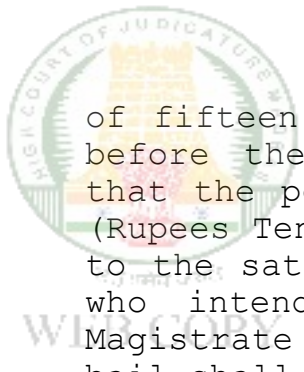
The petitioners/Accused who apprehend arrest at the hands of
the respondent police for the offences punishable under sections 447
and 506(i)of I.P.C in Crime No. 235 of 2023 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
is that due to property dispute petitioners herein threatened the
defacto complaiant with dire consequences and also caused damage to
the trees and borewell, hence the case.

3. Heard both side and perused the materials available on record
including the First Information Report.

4. Taking into consideration of the facts and circumstances of
the case and also the fact that civil suit is pending between the
parties this court is inclined to grant anticipatory bail to the
petitioners , with certain conditions:

5. Accordingly, the petitioners are ordered to be released on
<https://www.hc.in/judis> in the event of arrest or on their appearance, within a period



of fifteen days from the date on which the order copy made, before the learned Judicial Magistrate, Periyakulam 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].

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

sd/-

23/06/2023

/ TRUE COPY /

/07/2023

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

AAV

TO

1. The Judicial Magistrate, Periyakulam.



2. -do-Through The Chief Judicial Magistrate,
Theni District.

3. The Inspector of Police,
Thenkarai Police Station
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

ORDER

IN

CRL OP(MD) No.11308 of 2023

Date :23/06/2023

RD (04/07/2023) 3P 5C