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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.15056 of 2023

1. Sekar,

2. Jebamalai Jancy Sekar,

... Petitioners/ Accused Rank Not Known

Vs

State rep. by

The Inspector of Police,

Perumalpuram Police Station, Tirunelveli.

... Respondent/Complainant

For Petitioner : M/s.Anto Prince.G,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For Intervenor :Mr. Sudhan Raj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. of 2023 on the file of the respondent police



ORDER : The Court made the following order :-

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The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323 and 506(i) IPC in Crime No. Not Known of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had acquired the property of the defacto complainant illegally and that there was a wordy quarrel arose between them. Hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a civil dispute between the family members and that the petition enquiry is pending.

5. Considering the facts and circumstances of the case and also considering the fact that it is a civil dispute between the parties, this Court is inclined to grant

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anticipatory bail to the petitioners, subject to the following conditions:

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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, Thirunelveli 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 condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 The Judicial Magistrate No.I, Thirunelveli.

2 Do through the Chief Judicial Magistrate,
Thirunelveli.

3. The Inspector of Police,
Perumalpuram Police Station, Tirunelveli.

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

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+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-14769[I] dated 06/10/2023)

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ORDER
IN
CRL OP(MD) No.15056 of 2023
Date :06/10/2023

SSA/JGB/13.10.2023/5P/6C

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