



CRL OP(MD). No.15885 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.R.Muthukumar
2.R.Sivakumar
3.R.Thirumoorthi
4.R.Kannan

... Petitioners/ Accused Nos.1 to 4

Vs

State through the Inspector of Police,
K.Pudhur Police Station,
Madurai City,
Madurai District.
In Crime No.265 of 2023..

... Respondent/ Complainant

For Petitioners : Mr.K.Dinesh,
Advocate.

For Intervenor : Mr.N.Madhava Govinda

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor



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

PRAYER :-

For Anticipatory Bail in Crime No.265 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 427, 448, 465, 468, 471 and 506(ii) of IPC in Crime No.265 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was residing in Chennai, the accused persons have forged the documents and illegally trespassed into the property and damaged houses and when the same was questioned by the defacto complainant on 28.06.2023, the accused persons has threatened him and abused him filthy language and gave life threats. Hence, complaint.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that



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they are not present at the place of occurrence and they are no way connected with this case. Hence, they seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners created forged documents and attempted to take possession of the property and a suit in O.S.No.377 of 2023 is pending before the Principal District Munsif Court, Madurai and further the petitioners abused filthy language and criminally intimidated. The investigation is going on. He objected to grant anticipatory bail to the petitioners.

5. Mr.N.Madhava Govinda, learned counsel represented on behalf of the defacto complainant. However, he has not filed intervene petition. Hence, his representation is rejected.

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering that already civil dispute is pending between the parties and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, subject to



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the following conditions:
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8. 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.IV, Madurai, 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 petitioners shall report before the respondent Police daily at 10.00 am., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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

<https://www.mhc.tn.gov.in/judis>



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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].

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

sd/-
01/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mrn

TO

1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.



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

+1 CC to M/s.K.DINESH, Advocate (SR-13135[I] dated 04/09/2023)

ORDER
IN
CRL OP(MD) No.15885 of 2023
Date :01/09/2023

RK /VR(07/09/2023) 6P /6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023