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CRL OP(MD). No.21707 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.21707 of 2023

Indran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

Crime No.398/2023.

... Respondent/Defacto Complainant

For Petitioner : Mr.V.Muthuvelan, Advocate.

For Respondent : Mr.R.Sureshkumar, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.398/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(2) IPC, in Crime No.398 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner herein went to the defacto complainant's agricultural land with Aruval and threatened him with dire consequences and also abused him in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is



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an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that both the petitioner and the defacto complainant are brothers and hence, he prays for granting anticipatory bail.

4.The learned Government Advocate (Crl. Sie) appearing for the respondent police would submit that it is a case of civil dispute and nobody has injured in the said occurrence. He would further submit that the petitioner herein is having three previous cases in similar nature and hence, he strongly objected to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also the fact that nobody has sustained injury in the said occurrence and that both the petitioner and the defacto complainant are brothers, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



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[a]the petitioner and the sureties shall affix her photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.00 am and 6.00 pm until further orders;

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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 229-A IPC.

sd/-
04/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,
TENKASI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.21707 of 2023

Date :04/12/2023

RS/DD/SAR-(06.12.2023) 4P 5C

Madurai Bench of Madras High Court is issuing
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