



CRL OP(MD) No.2023 of 2024

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2023 of 2024

V.ASAITHAMBI

... Petitioner / Accused No.1

Vs

**THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT
(CRIME NO.30/2024)**

... Respondent / Complainant

For Petitioner : M/s.K.K.Samy, Advocate

**For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)**

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

**PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.30/2024 ON THE FILE OF
THE RESPONDENT POLICE**

ORDER : The Court Made the following order :-

**The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections (*)447, 294(b), 323, 506(ii) IPC and Section 4 of**

TNPHW Act, 2002 in Crime No.30 of 2024, seek anticipatory bail.
<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that there is a civil dispute between the petitioner and the defacto complainant and his brother, due to which, the petitioner trespassed into the defacto complainant's property and attacked the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that it is the civil dispute between the neighbors. Hence, he has no objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation made against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two



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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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 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]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/02/2024

**(*) Amended as per order of the Court dated 27.02.2024 in
Crl MP(MD)No.2441/2024 in Crl OP(MD)No. 2023 /2024
by MDIJ**

**Time granted by this Court to comply with the conditions
imposed vide order dated 09.02.2024 in Crl.O.P(MD) No.
2023 of 2024 is extended for a period of two weeks from the
date of receipt of amended copy of this order.**

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To
TO BE SUBSTITUTED WITH THE ORDER DATED 09/02/2024 ALREADY
DESPATCHED

1.The Judicial Magistrate,
Thirumangalam, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

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

ORDER
IN
CRL OP(MD) No.2023 of 2024
Date :09/02/2024

ED/ JGB /SAR- (16/02/2024) 5P / 5C

DSS

PKP/VR/SAR /04.03.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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