



CRL OP(MD) No.4424 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4424 of 2024

K PERUMAL

... PETITIONER / 2nd ACCUSED

Vs

THE INSPECTOR OF POLICE
THUVARANKURICHI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
CR.NO.44/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ARUL JENIFER.A Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.44/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 447, 294(b), 506(2) and 109 of IPC in
Crime No.44 of 2024, on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD) No.4424 of 2024

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2.The case of the prosecution is that due to land dispute between A3 and the defacto complainant, the petitioner along with other accused trespassed into the defacto complainant's land and they tried to erect hut in the said property at the instigation of the petitioner. When the same was questioned by the defacto complainant, the petitioner along with other accused attacked the defacto complainant with aruval and wooden log. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the co-accused has already been granted anticipatory by this Court in Crl.O.P.(MD)No.3194 of 2024, dated 29.02.2024. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that no one has sustained injury in this case and the investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioner.



CRL OP(MD) No.4424 of 2024

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5. Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury in this case and the co-accused has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and 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 Court, Manaparai, 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 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;



CRL OP(MD) No.4424 of 2024

WEB COPY

(c)the petitioner 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;

(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;

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

sd/-
20/03/2024

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

SJI



CRL OP(MD) No.4424 of 2024

TO
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- 1 THE JUDICIAL MAGISTRATE,
MANAPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THUVARANKURICHI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-3430[I] dated 20/03/2024)

ORDER

IN

CRL OP(MD) No.4424 of 2024

Date :20/03/2024

SS/JGB/SAR- /25/03/2024/5P/6C

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