



CRL OP(MD). No.7302 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice **P.VADAMALAI**

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Kamal @ Kamalnathan

... Petitioner/ Accused No.3

Vs

State rep. by
The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
(Crime No.164 of 2023)

... Respondent/Complainant

For Petitioner : Mr.V. Vijayendran
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.164 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b) and 506(ii) IPC, in Crime No.164 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that due to property dispute, on 20.07.2023, the petitioner herein and other accused had trespassed into the land belonging to the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one has sustained injury in this occurrence and the co-accused were already granted bail before the trial Court.

5. Taking into consideration the facts and circumstances of the case and also the facts that the co-accused were already granted bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of



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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, Aranthangi, Pudukkottai District, 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:

[a]the petitioner and the sureties shall affix their 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 10.30 a.m., 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.



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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 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/-
15/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



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3 THE INSPECTOR OF POLICE
NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.VIJAYENDIRAN. V, Advocate (SR-5482[I] dated 16/05/2024)

ORDER
IN
CRL OP(MD) No.7302 of 2024
Date :15/05/2024

SS/VR/SAR- /20/05/2024/5P/6C

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