



CRL OP(MD). No.9106 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9106 of 2024

1. Palanisamy,

2. Poomathi,

... Petitioners/ Accused No.2 & 3

Vs

The Inspector of Police,
Vengamedu Police Station,
Karur District.

Crime No.242 of 2024.

... Respondent/Complainant

For Petitioners : M/s. Nagarajan.V,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.242 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 427 and 506(ii) of IPC, in Crime No.242 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the relative of the petitioners namely, Senthilkumar and the vendor of the defacto complainant namely, Saravanan, on 03.06.2024, the petitioners along with other accused abused the defacto complainant in filthy language and also threatened him with dire consequences and damaged the fencing of the property worth about Rs.2,43,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are the husband and wife. On the date of occurrence, the petitioners along with other accused trespassed into property of the defacto complainant and abused him in filthy language and caused damage to the tune of Rs.2,43,000/-. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



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5.Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, each petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.242 of 2022, without prejudice to their rights and contentions before the learned Judicial Magistrate No.I Court, Karur.

7.On production of such receipt, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I Court, Karur, 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 conditions that:

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

(b)the petitioners shall report before the respondent police as and when required for interrogation;



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(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with 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]; and;

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

sd/-
03/07/2024

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/07/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.I KARUR.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.



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3 THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION, KARUR DISTRICT

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

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-7278[I] dated 03/07/2024)

ORDER
IN
CRL OP(MD) No.9106 of 2024
Date :03/07/2024

SS/VR/SAR- /09/07/2024/5P/6C

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