



CRL OP(MD). No.9704 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

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Celine Foustain Mary Francis

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
C-5, Kaimeedu (Land O) Police Station,
Madurai City.
Cr.No.354/2024.

... Respondent/Complainant

For Petitioner : M/s.Kalaiyarasi Bharathi.P,
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. 354/204 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police



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for the offences punishable under Sections 294(b), 427 and 506(ii) of IPC, in

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Cr.No.354 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioner along with other accused trespassed into the office of the defacto complainant and broke the drinking water pipe and threw the signboards and also threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is purely a civil dispute and already a suit in O.S.No.81 of 2018 is pending before the V Additional District and Sessions Judge, Madurai. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that due to civil dispute between the parties, the petitioner along with other accused trespassed into the office of the defacto complainant and broke the drinking water pipe and threw the signboards and also threatened the defacto complainant with dire consequences. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the matter is in civil nature, 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 arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of one week and thereafter, as and when required for interrogation;

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



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(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 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 absconds, 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.V MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
C-5, KAIMEDU (LAND O) POLICE STATION,
MADURAI CITY.



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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-7329[I] dated
03/07/2024)

ORDER
IN
CRL OP(MD) No.9704 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