



CRL OP(MD) No.23490 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23490 of 2023

1 MEENA

2 KALIDOSS

... PETITIONERS/ ACCUSED NOS.4&5

Vs

THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
THIRUPPACHETTI,
SIVAGANGAI DISTRICT.
(CRIME NO.243/2023).

... RESPONDENT/COMPLAINANT

For Petitioners : MR. S. KRISHNAN Advocate

For Respondent : MR.P.KOTTAICHAMY,
Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.243/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners / Accused Nos.4 and 5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 448, 427, 294(b) and 506(ii) of I.P.C., in Crime No.243 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and one Ganesan and due to which, the petitioners abused the defacto complainant with filthy language and damaged the property and assaulted him with aruval and threatened with dire consequences. Hence the defacto complainant made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are mother and son and they are not available at the scene of occurrence. He would further submit that the respondent Police implicated a false case against the petitioners. The learned counsel appearing for the petitioners would further submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons and thereby, they prayed for anticipatory bail. The learned counsel appearing for the petitioners would further submit that Accused



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Nos.1 to 3 were arrested and enlarged on bail in CrI.M.P.No.5409 of 2023 on the file of
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the learned Judicial Magistrate, Thirupuvanam on 28.12.2023.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners and other accused persons are available at the scene of occurrence and thereby, he vehemently opposed for grant of anticipatory bail to the petitioners. He would further submit that the damaged property is worth about Rs.80,000/-

5. Today, the learned counsel appearing for the petitioners, on instructions submit that, the petitioners are ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) for the alleged damage sustained to the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to deposit a sum of Rs.20,000/- to the defacto complainant, I am inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, the petitioners are granted anticipatory bail and they 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, Thiruppuvanam, Sivagangai District, 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 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 petitioners 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 petitioners are directed to deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only) to the credit of Crime No.243 of 2023 before the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeeding in the case, the amount will be refunded to them.



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(c).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;

(d).the first petitioner / Accused No.4 shall report before the respondent police as and when required for interrogation and the second petitioner / Accused No.5 shall report before the respondent Police for a period of one week at 10.30 A.M. and 05.00 P.M., and thereafter as and when required for interrogation;

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

(f).the petitioners shall not abscond either during investigation or trial;

(g).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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
02/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. -I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
THIRUPPACHETTI,
SIVAGANGAI DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.23490 of 2023

Date :02/01/2024

RK/DD(05/01/2024) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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