



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2194 of 2019

R.SEETHARAMAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADAIYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.31 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.T.THIRAVIAM, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 447, 294(b), 506(i) of IPC and Section 3 of TNPPDL Act in Crime No.31 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to previous enmity, the petitioner and the other accused persons have trespassed into the land of the defacto complainant and damaged the fence, worth about Rs.10,000/-, for which, the respondent police registered a case.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioner and he did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.31 of 2019 and agreed to out of Rs.15,000/- a sum of Rs.10,000/- may be disbursed to the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner informed the other accused



persons to destroy the fence and the co accused have already been enlarged on bail and if the petitioner is ready to deposit a sum of Rs.15,000/-, this Court may consider the anticipatory bail application filed by the petitioner.

5. Considering the facts and circumstances of the case, 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, Tenkasi, 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 as and when required for the purpose of interrogation;

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

(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 petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC;

(g) the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.31 of 2019. The learned Judicial Magistrate, Peraiyur, Madurai District is directed to disburse a sum of Rs.10,000/- out of Rs.15,000/- to the defacto complainant after having verified the identity of the defacto complainant;

sd/-

12/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVEI DISTRICT.

3. THE INSPECTOR OF POLICE,
KADAIYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.P.T.THIRAVIAM Advocate SR.No.2946

ORDER

IN

CRL OP (MD) No.2194 of 2019

Date :12/02/2019

MS/VR/SAR-3/20.02.2019/3P.6C