



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2260 of 2019

1 GOPAL
2 BASKAR

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.63/2019

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.MUNIYANDI, 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 447, 427 and 506(ii) I.P.C. in Cr.No.63 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners damaged the defacto complainant's banana trees worth about Rs.3,00,000/- by grazing their cattle.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Their cattle inadvertently entered into the defacto complainant's agricultural land and damaged the banana trees. However, the learned counsel for the petitioners, on instructions, would submit that the petitioners are ready to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) as donation in favour of the Joint Commissioner of HR & CE Department, Arulmigu Meenakshi Amman Temple, Madurai for the benefit of cows maintaining in their cowshed on his own inclination.



4.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that the defacto complainant has mentioned the damages to the tune of Rs.3,00,000/- but the petitioners are come forward to deposit a sum of Rs.25,000/- as donation in favour of the Joint Commissioner of HR & CE Department, Arulmigu Meenakshi Amman Temple, Madurai. Therefore this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and in view of the undertaking given by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Tiruchendur, 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)the petitioners 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 petitioners shall deposit a sum of Rs.25,000/- in favour of the Joint Commissioner of HR & CE Department, Arulmigu Meenakshi Amman Temple, Madurai.

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

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

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

(f)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;

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

sd/-

13/02/2019

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



1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2260 of 2019
Date :13/02/2019

myr
PK/PN/SAR-1/18.02.2019 : 3P/5C