

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7454 of 2019

1 MUTHUVEL
2 ANNAMALAI
3 ANNADURAI

.... PETITIONERS/ ACCUSED NOS.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.45 OF 2019 RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.C.ASAITHAMBI, 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 are arrayed as accused No.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 336 and 506(ii) IPC and including the offence under Section 427 IPC in the alteration report, in Crime No.45 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to the property dispute, the petitioners destroyed the 3 roof houses of the defacto complainant. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the petitioners caused damage to the entire house of the defacto complainant worth about Rs.50,000/- and the investigation is still pending.

5.To this, the learned counsel appearing for the petitioner would now submit that each of the petitioners is willing to deposit a sum of Rs.10,000/- [Rupees Ten Thousand] towards the cost of damages.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to the property dispute, the petitioners destroyed the 3 roof houses of the defacto complainant. In a case registered against the petitioners, except the offence under Section 506 (ii) IPC, all other offences are bailable in nature. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. So, on considering the above facts and circumstances of the case and on considering the fact that each of the petitioners is willing to deposit a sum of Rs.10,000/-, this Court is inclined to grant anticipatory bail with some conditions.

6. 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, Pattukottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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:

(I) Each of the petitioners shall deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] to the credit of Crime No.45 of 2019 on the file of the respondent police;

(ii) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

(v) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.A.C.ASAITHAMBI Advocate SR.No.8884

ORDER
IN

CRL OP(MD) No.7454 of 2019
Date :29/05/2019

MS/JC/SAR-3/04.06.2019/3P.6C

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