



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/07/2019

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PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.10083 of 2019

1. P.Muppidathi @ Vana Muppidathy  
2. M.Mariappan @ Ari Mari ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by  
The Inspector of Police,  
Seethaparpanallur Police Station  
Tirunelveli District.  
(Crime No.93/2019) ... Respondent/Complainant

For Petitioners: M/s.S.R.A.Ramachandhran,  
Advocate.  
For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

**PRAYER :-**

For Anticipatory Bail in Crime No. 93 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 353, 307, 506 (ii) and 379 of IPC, in Crime No.93 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners got valid permit for taking soil from Sirukkankurichi pond and only in pursuance of the said permit, these petitioners tried to take soil in the said pond on 11.07.2019 at about 09.00 a.m and at that time, the respondent police came there in mufti and questioned the petitioners as to how they can take the soil and at that time the petitioners informed them that they got valid permit. Even then, the respondent police are not convinced and lodged a false complaint stating that the petitioners attempted to



kill them by hitting with the Tractor. He further submitted that the petitioners have valid permit, and therefore, he prayed to grant anticipatory bail to the petitioners. He also produced a copy of the permit issued by the Tahsildar, Tirunelveli, in favour of the first petitioner.

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4. The learned Government Advocate (Criminal side) appearing for the respondent has submitted that when the petitioners tried to take soil in the said pond, the respondent police asked them to show the permit. But, instead of showing the said permit they tried to kill them by hitting with the Tractor and criminally intimidated them and hence, he strongly opposed this petition. However, he fairly conceded that the first petitioner got valid permit to take soil from the concerned pond.

5. A perusal of the copy of the permit produced by the learned counsel for the petitioners shows that the Tashildar, Tirunelveli gave permit to the first petitioner for taking soil from the Sirukkankurichi pond from 10.07.2019 to 11.07.2019. So, that the petitioners have valid permit to take the soil from the said pond. Taking into consideration of the said fact and also the fact that no one has sustained any injury, this Court is inclined to grant anticipatory bail to the petitioners.

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, Alangulam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

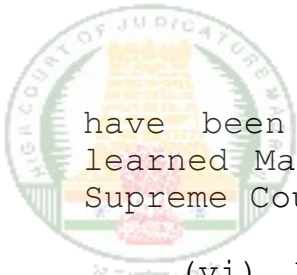
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the concerned Magistrate daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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].

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

sd/-

17/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ALANGULAM.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
  3. THE INSPECTOR OF POLICE,  
SEETHAPARPANALLUR POLICE STATION,  
TIRUNELVELI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.R.A.RAMACHANDHRAN Advocate SR.No.11830

ORDER

IN

CRL OP(MD) No.10083 of 2019

Date :17/07/2019

**MS/PN/SAR-4/24.07.2019/3P.6C**