



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/05/2020

PRESENT

WEB COPY

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5191 of 2020

Srinivasababu

... Petitioner/Accused

Vs

The State rep. by
The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District
In (Crime No.283 of 2019)

... Respondent/Complainant

For Petitioner : M/s.M.Karunanithi,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.283 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) of IPC and Section 4 of TNPHW Act seeks anticipatory bail.

2. Heard both sides.

3. Based on the complaint alleging encroachment of the defacto complainant's property and construction of toilet by the accused person and his son, a case has been registered under Sections 294(b), 506(i) of IPC and Section 4 of TNPHW Act.

4. Co- accused in this case has already been granted anticipatory bail. Portion of the land upon which the petitioner and his father constructed toilet stands in the name of the defacto complainant.



5. The learned Additional Public Prosecutor would submit that if the petitioner does not cause law and order problem by interfering into the land of defacto complainant, he may be granted anticipatory bail.

6. Taking into consideration the present scenario, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioner shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, Pudukottai on or before 05.06.2020 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall give an undertaking that he will not interfere with the peaceful possession of the defacto complainant's property and co-operate for investigation.

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

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

(e) the petitioner 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 petitioner 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;

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

sd/-
07/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
PUDUKOTTAI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5191 of 2020
Date :07/05/2020

AAV
SRS/ VR/ SAR-III/ 07.05.2020/ 3P/5C