



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.5332 of 2020

1. VINOTH
2. PONNAN @ PONNANGAN ... PETITIONERS/ACCUSED NO.1 AND 2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT
CRIME NO.672/2020. ... RESPONDENT/COMPLAINANT

For Petitioners : M/s.D.S.Haroon Rasheed,
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.672 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

A complaint has been given by the Village Administrative Officer alleging that the petitioners herein have damaged the public road in S.No.106/5A/1A at Kambarasampettai, Srirangam Taluk.

2.The learned counsel appearing for the petitioners would submit that the said land belongs to them and a civil decree is in their favour. Unmindful of the Court decree, a criminal complaint has been lodged against them as if the said land belongs to the Government.

3. It appears that there is an civil dispute regarding the road. The petitioners have tried to remove the sand and gravel. The petitioners have failed to lodge the complaint for the offences



punishable under Section 427 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. Hence, the petitioners seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the public road has been damaged by the petitioners causing loss to the State.

5. Considering the rival submissions and the age of the second petitioner, who is nearly 71 years this Court finds *prima facie* a civil dispute regarding the title over the land where the road is laid. Hence, this Court is inclined to grant anticipatory bail to the petitioners on following conditions.

6. The petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- each and further each of the petitioners shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate No.III, Trichy on or before 13.06.2020 and on further condition that:

(a) the petitioners and 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) On or before 13.06.2020, the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.672 of 2020, before the Judicial Magistrate No.III, Trichy, without prejudice to their defence before the trial Court;

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

(d) the petitioners 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 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;

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

sd/-

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



1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

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

ORDER
IN
CRL OP (MD) No.5332 of 2020
Date :14/05/2020

SJI
JM/PN/SAR /14.05.2020/3P/5C