



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

Date : 14/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6465 of 2020

N.R.N.PANDIAN

... PETITIONER/1st ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THUVARANKURUCHI, TRICHY DISTRICT.
(CRIME NO. 489 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.B.Rajesh Saravanan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 489 of 2020 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
447,147,148,506(ii) and 379 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to some civil dispute
between the parties on the date of occurrence the petitioner herein
trespassed into land of the defacto complainant and cut and removed
80 coconut trees

4. The learned counsel for the petitioner would submit that
<https://hdservicescourts.gov.in/hdservices/> dispute pending between the parties and he has been



falsely implicated in the above case. He would also submit that the petitioner is ready and willing to deposit Rs.1,00,000/- to the credit of crime number without prejudice to his rights and defence before the trial Court.

5. The learned counsel for the intervenor would submit that the civil dispute ended in favour of the defacto complainant in the Civil Corut, despite that the petitioner has trespassed into land and cut and removed 80 coconut trees.

6. The learned Additional Public Prosecutor would submit that due to civil dispute between the parties on the date of occurrence the petitioner herein trespassed into land of the defacto complainant and cut and removed 80 coconut trees.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that only a civil dispute is pending between the parties and also the fact that the petitioner has come forward to deposit Rs.1,00,000/- to the Credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manaparai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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:

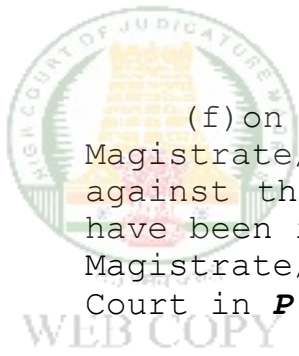
(a) before executing bail bond, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.489 of 2020 before the learned Judicial Magistrate, Manaparai, without prejudice his defence before the trial Court

(b) 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;

(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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/07/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THUVARANKURUCHI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6465 of 2020
Date :14/07/2020

AAV
JM/JC/SAR 2/15.07.2020/3P/5C