



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6613 of 2020

1. M.Ramar
2. Paramasivam
3. Sundara Moorthy
4. Malaichamy

... Petitioners/Accused No.1to 3 and 6

Vs

The State rep. by
The Inspector of Police,
Nathampatti Poilce Station,
Virudhunagr District.
Crime No. 23 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Lajapathi Roy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioners/Accused No.1 to 3 and 6 on Anticipatory Bail in the event of their arrest or surrender in Cr.No.23 of 2010 on the file of the Respondent Police and pass such further or other orders.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 294(b), 336, 324, 427 and 506(ii) of I.P.C., in Crime No. 23 of 2020 on the file of the respondent police, seek anticipatory



3. The case of the prosecution is that the petitioners had demolished the compound wall constructed by the defacto complainant, worth about Rs.2,50,000/-. Hence, a complaint.

4. The learned counsel appearing for the petitioners would submit that the first petitioner herein has already filed a suit in O.S.No.259 of 2017 before the Subordinate Court, Srivilliputhur, seeking specific performance and permanent injunction against the defacto complainant and others and the same is pending. Due to previous enmity, the petitioners have been falsely implicated in this case. He further submitted that the petitioners are innocents and they did not commit any offence as alleged by the prosecution. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice to their rights and contentions, the petitioners are ready to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.23 of 2020 before the learned Judicial Magistrate No.I, Srivilliputhur.

5. The learned Additional Public Prosecutor appearing for the State submitted that the accused Nos.4 and 5 were already released on bail by the learned Judicial Magistrate No.I, Sivagangai, in CrI.M.P.No.1455 of 2020, dated 27.01.2020. He would further submitted that investigation is still going on.

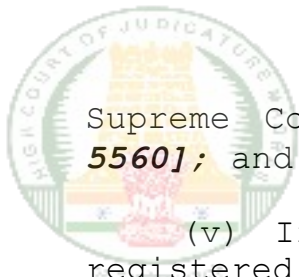
6. Considering the facts and circumstances of the case and also considering the fact that the co-accused already released on bail, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions:-

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Srivilliputhur, and on their executing 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 learned Magistrate concerned;

(ii) The petitioners are directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.23 of 2020 before the learned Judicial Magistrate No.I, Srivilliputhur, without prejudice their rights and contentions;

(iii) The petitioners shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation.

(iv) 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

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

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7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

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

TO

1 THE JUDICIAL MAGISTRATE NO I,
SRIVILLIPUTHUR.

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
NATHAMPATTI POILCE STATION,
VIRUDHUNAGR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6613 of 2020

Date :26/06/2020

PD/VR/SAR 3/01.07.2020/3P/5C