



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7095 of 2020

1.Rajagopalan
2. Rajendran
3. Petchimuthu

... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Cr.No.314/2020.

... Respondent/Complainant

For Petitioner : M/s P.M.Vishnuvarthanan,
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.314 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. and Section 3 of TNPPDL Act 1992, in Crime No.314 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the owner of the land in S.Nos.1366/1 and 1366/1B in Srivaikundam Village and the other two petitioners are working in his agricultural property. The TNEB Board was drawing the new high tension power line through for Power Plaintiff. The permission to draw line was granted only for S.No.1366/1, but the board authorities had drawn the line in S.No.1366/1B, which was objected by the petitioners. Hence, the present complaint has been filed against them.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have nothing to do with the alleged offence.



4.The learned Government Advocate (Crl. side) appearing for the State submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the dispute between the parties regarding the drawing of electricity supply line in the 1st petitioner's land without his knowledge and allegedly in some other survey number, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate Court, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioners 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 petitioners shall report before the respondent police daily as and when required for interrogation.

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

sd/-

13.07.2020

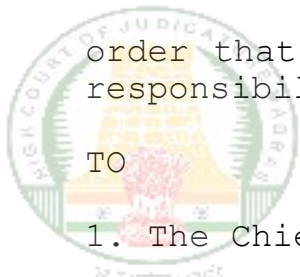
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/ /2020

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

SJI

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 Chief Judicial Magistrate Court, Srivaikundam.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7095 of 2020
Date : 13/07/2020

VB SKN SAR 2 (16.07.2020) 3P 5C