



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

Date : 27/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7777 of 2020

1.Amarnath Prabakaran
2.Kalingarayan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No. 484 of 2020

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi,
Advocate.

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

For Intervener : Mr.S.Balamurugan,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 484 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 (NH) of IPC, in Crime No.484 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute with regard to the pathway, the petitioners were said to have removed and taken the two iron grill gates from the defacto complainant's house. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent and the learned counsel appearing for the intervener/defacto complainant.



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to civil dispute with regard to the pathway, the petitioners were said to have committed theft of the two iron grill gates from the defacto complainant's property. He further submitted that the theft properties have been recovered by the respondent police.

6.Considering the facts and circumstances of the case and also considering the fact that due to civil dispute, the occurrence said to have taken place and the theft properties have been recovered by the respondent Police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District, on condition that the petitioners 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 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



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

sd/-
27/07/2020

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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 NO II,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.D.BALAMURUGAPANDI Advocate SR.No.5840
+1. C.C. to Mr.S.BALAMURUGAN Advocate SR.No.5842

ORDER
IN
CRL OP(MD) No.7777 of 2020
Date :27/07/2020

VSG
TK/VR/SAR.2/29.07.2020/3P/7C