



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

Date : 04/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP (MD) . No.8009 of 2020

WEB COPY

1. Genga@gangadharan
2. Eswaran
3. Bathmanapan
4. Chinnasamy

... Petitioners/Accused

Vs

The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
Cr.No. 84 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Udhayakumar,
Advocate.

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

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

PRAYER :-

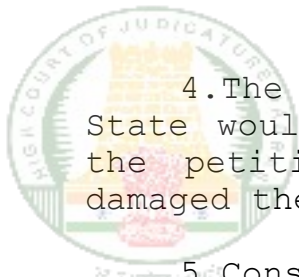
For Anticipatory Bail in Cr.No.84 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4 apprehending arrest at the hands of the respondent police for the offences punishable under Section 147 of IPC and Section 3 of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992, in Crime No.84 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were unlawfully assembled and damaged the public road. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that it is a private road of the petitioners. Earlier the revenue authorities has been duly interfered with, when the petitioners filed a suit against the revenue department and the same is pending and notice was ordered. Subsequently, a proceedings under Section 133 of Cr.P.C. initiated by the Tahsildar against the petitioners, thereafter, the petitioners filed a petition against the order passed under Section 133 of Cr.P.C. and the same was set aside by this Court in Crl.O.P.(MD)No.8024 of 2020, dated 31.07.2020. Thereafter, the present complaint has been filed as if the petitioners have damaged the public road, but it is a private road of the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that there was a civil dispute pending between the petitioners and the revenue department and the petitioners damaged the public road.

5.Considering the facts and circumstances of the case and also considering the fact that there was a civil dispute pending between the petitioners and the revenue department and a proceedings initiated under Section 133 of Cr.P.C. also set aside by this Court, 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 District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two common 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;

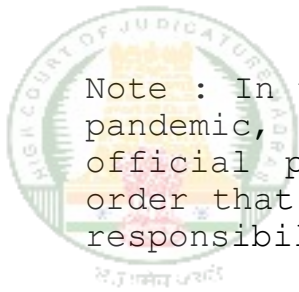
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
04.08.2020

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/ /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

WEB COPY

1. The District Munsif cum Judicial Magistrate Court,
Thiruppuvanam, Sivagangai District
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8009 of 2020
Date : 04/08/2020

VB (12.08.2020) 3P 5C