



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8206 of 2020

1. Subbaiah
2. Mathiyalagan
3. Palani

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District
Cr No.358/2020.

... Respondent/Complainant

For Petitioners: Mr.D.Rameshkumar,
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.358 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 and 506(i) of IPC, in Crime No.358 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a lessee and he has taken a PWD Lake in auction for fishing and thereafter, the petitioners said to have committed theft of all the fishes during night hours. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

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. He further submitted that due to previous enmity, the petitioners 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 the defacto complainant is a lessee and he has fishery right, the petitioners said to have committed theft of all the fishes during night hours. Hence, the crime has been registered against the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that due to dispute with regard to the fishery right in tanks belong to PWD, the occurrence said to have taken place, considering the above circumstances and there is no other allegation pending against the petitioner, I am 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, Illuppur, Pudukkottai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.

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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

1. THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8206 of 2020
Date : 07/08/2020

VSG
TE/PN/SAR-II : 14/08/2020 : 3P/5C