



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

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8811 of 2020

1. Vigneshwaran
2. Karthick
3. Balamurugan
4. Shanmugam
5. Velu@velavan
6. Balasubramanian
7. Sivapoorandurai

... Petitioners/Accused No.1,2,3,5,6,7 & 13

Vs

State rep.by,
The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District,
Crime No.234/2020.

... Respondent/Complainant

For Petitioner : Mr.C.Muthu Saravanan,
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. 234 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 147 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevent of Damage & Loss) Act, in Crime No.234 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there are two groups in the village. Due to a wordy quarrel arouse between the two groups, both of them have beaten each other with bottles and hands and damaged the cool drinks bottle and Xerox Machine in the shop of the defacto complainant and caused damage to the value of Rs.1 Lakh. Hence, the 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 would submit that the petitioners and the defacto complainant are neighbours. He would further submit that due to previous enmity between the parties, the defacto complainant has preferred a false complaint and this is case in counter.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions submitted that this is case in counter and the petitioners have also preferred a complaint against the defacto complainant and others and the same has been registered in Crime No.233 of 2020 on the file of the respondent police. He further submitted that the petitioners said to have damaged the petty shop of the defacto complainant and caused loss for the worth of Rs.1 Lakh.

6. Considering the rival submissions and also considering the fact that this is case in counter and a clash between the two groups, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruvadanai, and on their executing 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 learned Magistrate concerned and on further condition that,

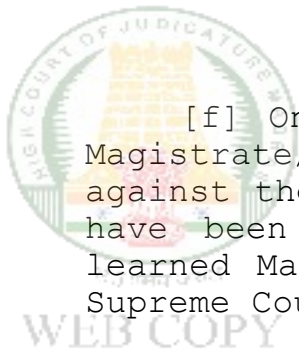
[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners are directed to deposit **jointly** a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), to the credit of the Crime No.234 of 2020 before the learned Judicial Magistrate, Thiruvadanai, within a period of Two weeks, without prejudice to their rights and contentions before the trial Court.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] 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].

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/08/2020

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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

- 1.THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3.THE SUB INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION, RAMANATHAPURAM DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8811 of 2020
Date :24/08/2020

KSA
PK/AKM/SAR-2/31.08.2020 : 3P/5C