



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

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8992 of 2020

1. Mallika
2. Senthilkumar
3. Selvakumar

... Petitioners/Accused 1-3

Vs

The State Rep by,
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District
Crime No. 1631 of 2020.

... Respondent/Complainant

For Petitioners : M/s. A.Sivasubramanian,
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. 1631 of 2020 on the
file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427, 447 and 506(ii) of IPC, in Crime No.1631 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of land. Due to previous enmity between the parties, the petitioners said to have entered into the land of the defacto complainant and destroyed the entire crops by using Tractor for the value of Rs.20,000/-(Rupees Twenty Thousand Only) and also threatened him with dire consequences. 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 submitted that the petitioners are innocent persons and due to civil dispute between the parties they have been falsely implicated in this case. Hence, he seek anticipatory bail.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that civil dispute is pending between the parties.

6.Considering the fact and circumstances of the case and considering the fact that there is civil dispute is pending between the parties, 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, Orathanadu, 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 are directed to deposit **jointly** a sum of Rs.10,000/-(Rupees Ten Thousand Only)to the credit of the Crime No.1631 of 2020 before the learned Judicial Magistrate, Orathanadu, within a period of Two weeks, without prejudice to their rights in the criminal case;

(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]; and;



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

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sd/-
27/08/2020

/ /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, ORATHANADU,
THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION, THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8992 of 2020
Date : 27/08/2020

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