



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

Date : 07/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9385 of 2020

1. T.Rajendran
2. R.Manokaran
3. Bhuvaneshwari

... Petitioners/Accused No.1,2 & 4

Vs

The State represented by,
The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District
(Crime No. 425 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Venkateshan,
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. 425 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1, A-2 & A-4 apprehending arrest at the hands of the respondent police for the offences punishable under section 379 & 427 of IPC, in Crime No.425 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that some extent of lands in Punalkulam village in Pudukkottai Taluk owned by the defacto complainant. She has grown Eucalyptus trees in the said land. Subsequently, she came to know that A-1 and his associates cut and removed the trees for the value of Rs.12 Lakhs. 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 they have been falsely implicated in this case. He further submitted that the first petitioner and the defacto complainant are brother and sister and the first petitioner is co-owner of the property. Due to civil dispute pending between the parties, a false complaint has been preferred against the petitioners. He further submitted that the first petitioner is the co-owner of the properties and the defacto complainant is having a minimum share. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that without the knowledge of the defacto complainant the petitioners said to have cut and removed the Eucalyptus trees.

6.Considering the fact and circumstances of the case and considering the fact that the relationship between the parties and the first petitioner claiming as the co-owner of the property and a civil dispute is also pending between them, 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 District Munsif Cum Judicial Magistrate, Gandharvakottai, Pudukottai 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 5560]; and;

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

sd/-
07/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GANDHARVAKOTTAI, PUDUKKOTTAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT
3. THE INSPECTOR OF POLICE,
GANDHARVAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9385 of 2020
Date : 07/09/2020

KSA
PK/AKM/SAR-1/11.09.2020 : 3P/5C