



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9515 of 2020

ALAGU SANTHANA KUMAR ... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 514 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.P.Senthil,
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.514 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 427 of IPC and Section 3(2) of the Prevention of Damage of Public Property Act, 1984 (Central Act) & 3 of Tamil Nadu Public Property (Prevention of Damage Loss) Act, 1992, in Crime No.514 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused and the defacto complainant is the Senior Manager of the Indian Oil Corporation. The allegation is that the Indian Oil Corporation is laying pipe lines for transporting natural gas from Ramanathapuram to Thoothukudi, while they are laying pipe lines through the petitioner's land the same was prevented by the petitioner and his father, also removed the pipe lines, criminally intimidated him and caused damage to the tune of Rs.20 Lakhs. Hence,



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the Indian Oil Corporation laying gas pipes in the petitioner's father's land without permission of the petitioner. He further submitted that the petitioner's father has already filed a writ petition in W.P.(MD) No.12189 of 2019 and the same is pending before this Court. He further submitted that the defacto complainant has threatened the petitioner and his father to withdraw the aforesaid writ petition, and the same was refused by them, hence, a false complaint was preferred against him. He further submitted that he has not interfered with the laying of pipe lines and not damaged anything. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the Indian Oil Corporation was laying pipe lines, earlier the petitioner's father has filed a writ petition before this Court and there is an interim order was granted and subsequently same was vacated. He further submitted that the petitioner now prevented the authorities for laying pipelines and also damaged the pipelines.

6. Considering the fact and circumstances of the case and on perusal of the First Information Report and other materials available on record the petitioner said to have threatened the employees from laying pipelines and also criminally intimidated them there is no particulars available regarding the damaging of pipelines, and also considering the fact that regarding the dispute a writ petition is pending before this Court, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Thoothukudi, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness



(d) the petitioner 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 petitioner 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 NO.III,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-6326[I] dated 09/09/2020)

ORDER

IN

CRL OP(MD) No.9515 of 2020

Date : 09/09/2020

ksa

JM/AKM/SAR II/17.09.2020/3P/6C

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