



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9584 of 2020

1. Pandi
2. Ramesh
3. Manamohan

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No. 1839 of 2020.

... Respondent/Complainant

For Petitioners: Mr.C.Bharathi,
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.1839 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 427, 448 and 506(ii) of IPC, in Crime No.1839 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to dispute with regard to the boundary of the land, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioner and other unnamed accused said to have trespassed into the defacto



complainant's studio and caused damage to the CCTV camera and other articles worth about Rs.30,000/-. 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 the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to previous civil dispute, the petitioners have been falsely implicated in this case. He further submitted that already civil suit is pending before the Munsif Court, Melur. Hence, he prayed for grant of anticipatory bail to the petitioners.

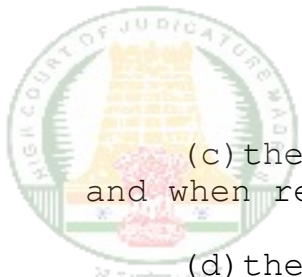
5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to civil dispute, the occurrence said to have taken place.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that due to dispute with regard to boundary of the land, the petitioner and other unnamed accused said to have trespassed into the defacto complainant's studio and caused damage to the CCTV camera and other articles worth about Rs.30,000/- and a civil suit is also pending before the lower Court. Considering the above circumstances, 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, Melur, Madurai 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 are directed to jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1839 of 2020 before the learned Judicial Magistrate, Melur, Madurai District within a period of two weeks without prejudice to their 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]; and;

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

sd/-
10/09/2020

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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,
MELUR, MADURAI DISTRICT.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.



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

WEB COPY

ORDER

IN

CRL OP(MD) No.9584 of 2020

Date :10/09/2020

vsg

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