



WEB COPY

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

Date : 15/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9783 of 2020

Petchimuthu

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
Crime No. 503 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Radhakrishnan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

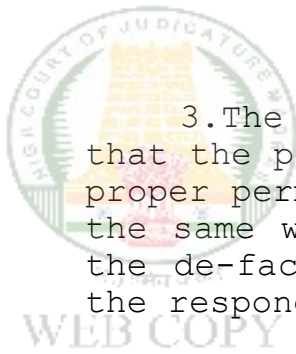
PRAYER :-

For an Anticipatory Bail in Crime No.503 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 436, 506(ii) and 386 of I.P.C., in Crime No.503 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is owner of the land and the de-facto complainant is the Assistant Manager of Indian Oil Corporation Limited. The allegation is that the Indian Oil Corporation Limited 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 removed the pipe lines and criminally intimidated him and also caused damage to pipes to the tune of Rs.6 Lakhs. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property and without getting proper permission, the de-facto complainant is laying pipe lines and the same was questioned by the petitioner. Aggrieved by the same, the de-facto complainant gave a false complaint against him before the respondent police.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that after obtaining necessary permission from the authorities and also following the due process of law, the de-facto complainant company is laying the pipe lines. At that time, the petitioner prevented the de-facto complainant and attacked him and criminally intimidated him and also caused damage to the pipelines.

5.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 and there is no particulars available regarding the damaging of pipelines, hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 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;

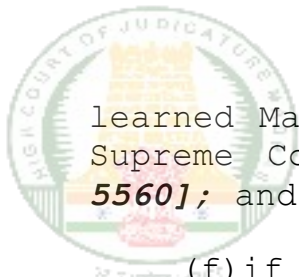
(b)the petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

sd/-
15/09/2020

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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 NO.III,
THOOTHUKUDI.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9783 of 2020
Date :15/09/2020

SJI
SRS/ AKM/ SAR-IV/ 18.09.2020/ 3P/5C