



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/10/2020

PRESENT

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The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10751 of 2020

1. Veerapandi
2. Muthumari
3. Nagavalli @ Nagavali
4. Thangamuthu Chandran @ Thangamuthu Muneeswaran
5. Veeramani
6. Rajakumari
7. Pasumala Devi @ Pasumaladevi
8. Soorammal Panjadi @ Soorammal
9. Solaiyappan Karupnan @ Solaiyappan
10. Selvamani
11. Kalieswari @ Kaleeswari
12. Sudalai Muniyaiya @ Sudalai
13. Muthammal
14. Duraisamy Arakkasu @ Duraisamy
15. Senthil Shanmugam
16. Sethupathy @ Sedhupathi
17. Palpandi Kalimuthu @ Palpandi
18. Parvathi @ Umayaparavathi
19. Muthu Marieswaran Palpandi @ Muthu Marishwaran
20. Peratheep Kumar Ravichandran @ Pradeepkumar
21. Saravanan Murugesan @ Saravanakumar
22. Palapandi Mookkaiah @ Palpandi
23. Pal Duraisamy @ Balamurugan
24. Veerapandi Panjandi @ Veerapandi
25. Velusamy Sempattaiyan @ Velusamy
26. Kottaisamy Mookupodi @ Kottaisamy
27. Ganeswari @ Kanneshewari
28. Chinnathambi
29. Valli Chinna Thambi @ Valli
30. Panjawanam @ Panjavarnam
31. Sooramuthu Muniyaiya @ Suramuthu
32. Kaliyammal
33. Sunthara Raj Muniyandi @ Sundaraj
34. Pandiyammal ... Petitioners/Accused No.1 to 21, 23,
24, 26, 27, 29 to 37

Vs

The State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

<https://hccservicescourts.go3.in/hccservices> 2020.

... Respondent/Complainant



For Petitioners: Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.373 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

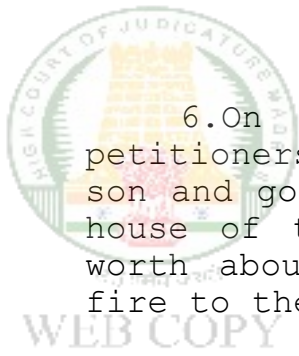
The petitioners, who are arrayed as A1 to 21, 23, 24, 26, 27, 29 to 37, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 436, 379 and 506(i) of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.373 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute with regard to missing of one girl viz., Mookambigai D/O.Muniyasamy, due to which, the petitioners said to have trespassed into the defacto complainant's house and damaged house hold articles worth about Rs.70,000/- and also stolen 15 sovereigns of gold. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

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 defacto complainant's son eloped with the petitioner's relative daughter and got married. Due to which, the petitioners have been falsely implicated in this case. All the allegations are concerned, they are nothing to do with the alleged occurrence. He further submitted that the petitioner's relative daughter and son of the defacto complainant are living together. 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 dispute with regard to missing of one girl viz., Mookambigai D/O.Muniyasamy, the petitioners trespassed into the defacto complainant's house and damaged the house hold articles worth about Rs.70,000/- and also stolen 12 sovereigns of gold and set fire to the poultry form.



6. On perusal of the records, it is seen that one of the petitioners' relative daughter eloped with the defacto complainant's son and got married, due to which, the petitioners entered into the house of the defacto complainant and damaged house hold articles worth about Rs.70,000/- and stolen 12 sovereigns of gold and set fire to the poultry form.

7. Considering the above circumstances and also considering the fact that the petitioners are relative of the missing girl and there is no serious allegations against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.3,00,000/- to the credit of Crime No.373 of 2020, before the Judicial Magistrate Court, Kadaladi, Ramanathapuram District. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Kadaladi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 1, 3, 4, 5, 8, 9, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 28, 31 and 33 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. Further, the petitioners 2, 6, 7, 10, 11, 13, 18, 27, 29, 30, 32 and 34 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



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

sd/-
05/10/2020

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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,
KADALADI, RAMANATHAPURAM DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.SIVABALAN Advocate SR.No.6811

ORDER
IN
CRL OP(MD) No.10751 of 2020
Date : 05/10/2020

VSG
TK/AKM/SAR.2/12.10.2020/4P/6C