



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

Date : 12/10/2020

PRESENT

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

CRL OP(MD) . No.11182 of 2020

1.Arulsamy
2.Arokiyasamy
3.Adaikalam @ Adaikaladoss
4.Vincent @ Vincentdoss

... Petitioners/Accused 1 to 4

Vs

State rep.by,
The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
(Crime No.365 of 2020)

... Respondent/Complainant

For Petitioners: Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.365 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427 and 506(ii) IPC, in Crime No.365 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant fenced her agricultural lands in Old Vettivaal Village to prevent cattle from trespassing it. At this juncture, some unknown persons removed the fence as it prevents them from using pathway. When the complainant was shouting against the unknown persons, the petitioners abused the defacto complainant by using filthy language and threatened her with dire consequences. 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 petitioners are the adjacent land owners of the complainant. Since the complainant obstructed the pathway, which leads to drinking water Well, the entire village people questioned her. In order to dilute the said issue, the complainant lodged the present complaint.

5. The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that no one sustained injury.

6. Considering the fact and circumstances of the case and no one sustained injury, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on 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/-
12/10/2020

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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, ARANTHANGI,
PUDUKKOTTAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MIMISAL POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11182 of 2020
Date : 12/10/2020

VSD
PK/JC/SAR-2/15.10.2020 : 3P/5C