



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD) . No.11544 of 2020

G.Venkateshwaran @ Venkadesh ... Petitioner/Accused No.6
Vs

The State Rep.by its
The Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
(Crime No.378/2020). ... Respondent/Complainant

For Petitioner : M/s.J.Jeyakumaran,
Advocate.
For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.378 of 2020 on the file of
the Respondent Police

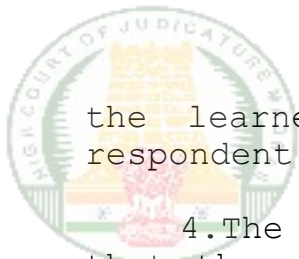
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 143, 353 and 427 of IPC, in Crime No.378 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons encroached the village odai and laid road on the said odai for their Wind Mill without getting prior permission from the concerned government authorities. When the same was questioned by the defacto complainant/VAO, the petitioner and the other accused persons prevented the defacto complainant/VAO from discharging his duty. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and

<https://hcservices.ecourts.gov.in/hcservices/>



the learned Government Advocate (Crl. 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 petitioner is working as General Manager in the said Wind Mill and the date of occurrence is said to have taken place on 18.09.2020. After a lapse of 11 days FIR has been registered. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that there are totally 7 accused. The petitioner is arrayed as 6th accused and he is working as General Manager in the Wind Mill. the petitioner along with other accused persons encroached the village odai and laid road on the odai for their Wind Mill without getting prior permission from the concerned government authorities. When the same was questioned by the defacto complainant/VAO, the petitioner and the other accused persons prevented the defacto complainant/VAO from discharging his duty.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner herein being the General Manager of the Wind Mill and also considering the fact that after a lapse of 11 days FIR has been registered, 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 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.I, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood relative 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

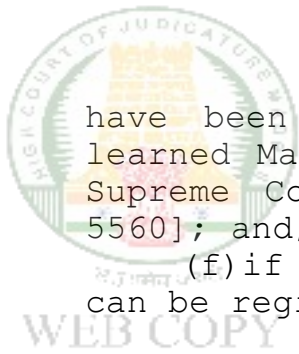
(b)the petitioner shall report before the respondent police daily at 10.30 a.m without fail for a period of two weeks and thereafter, as and when required for interrogation.

(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

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;

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

sd/-
16/10/2020

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/ /2020
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.I, THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PUTHIAMPUTHUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11544 of 2020
Date : 16/10/2020

dss
AE/AKM/SAR-II (28.10.2020) 3P 5C