



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

Date : 16/10/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.11611 of 2020

1. P.Vijayaraja
2. G.Krishnakumar
3. S.Sivakumar
4. S.Senthilkumar
5. M.Kamalanesan
6. G.Venkateshwaran @ Venkadesh
7. V.Paramasivan

... Petitioners/Accused Nos.1 to 7

**Vs**

State: The Inspector of Police,  
Puthiamputhur Police Station,  
Thoothukudi District.  
Crime No.378 of 2020.

... Respondent/Complainant

For Petitioners: M/s.K.Sanjay Gandhi, Advocate.

For Respondent : Mrs.M.Anandha Devi,  
Government Advocate (Crl.Side)

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

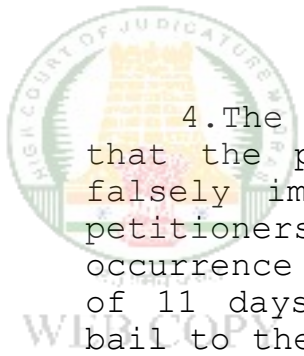
**PRAYER :-** For an Anticipatory Bail in CRIME No.378 of 2020 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioners, who are arrayed as A1 to A7, 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, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 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 petitioners prevented the defacto complainant/VAO from discharging his duty. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are only workers of 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 petitioners.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally 7 accused. The petitioners 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 petitioners prevented the defacto complainant/VAO from discharging his duty.

6.Considering the facts and circumstances of the case and considering the fact that the petitioners herein being the workers 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 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 No.I, Thoothukudi**, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 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 theri identity;

(b)the petitioners 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 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/-  
16/10/2020

**(\*)Further two weeks time is granted to the petitioners to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance**

**(\*) Amended as per order of this court dated 24.11.2020 in CRL MP (MD)No.6021/2020 in CRL OP(MD) NO.11611/2020 by GKIJ**

/ TRUE COPY /

/ /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

**To be substituted with the order dated 16/10/2020 already despatched**

- 1. THE JUDICIAL MAGISTRATE NO.I,  
THOOTHUKUDI, THOOTHUKUDI DISTRICT.**
2. THE JUDICIAL MAGISTRATE NO.I,  
KOVILPATTI, THOOTHUKUDI DISTRICT.
3. -DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,  
PUTHIAMPUTHUR POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.11611 of 2020  
Date :16/10/2020

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

SRS/JC/SAR-III/04.12.2020/3P/6C

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