



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.11993 of 2020

1. Ashok Kumar
2. Yogesh @ Patchaperumal
3. Sankar

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Muthiahpuram Police Station,
Muthiahpuram, Thoothukudi District.
Crime No.379 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.Vinayagan,
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 Crime No.379 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 283, 427, 201, 341 IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 in crime No.379 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that there was a pathway dispute between the petitioners and the defacto complainant and due to the same, there was a quarrel between them. Hence, a complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

5.The learned Government Advocate(Crl.Side) would submit that there is no previous case as against the petitioners.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case as against the petitioners, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thoothukudi 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 at 10.30 a.m., 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 5560]***; and;

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

sd/-
04/11/2020

/ 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

1.THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
MUTHIAHPURAM, THOOTHUKUDI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SANTHANAKRISHNAN, Advocate (SR-7329[I] dated
05/11/2020)

ORDER
IN
CRL OP(MD) No.11993 of 2020
Date :04/11/2020

GNS
AE/SMA/SAR-III (18.11.2020) 3P 6C