



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

CRL OP (MD) . No.12024 of 2020

1. Sesuraj
2. Kennadi
3. Vimalraj
4. Arockiyasamy

... Petitioners/Accused No.1 to 4

Vs

State Rep. by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul,
Dindigul District.
(Crime No.1146/2020)

... Respondent/Complainant

For Petitioners : M/s.T.Vadivelan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 1146 of 2020 on the Respondent of police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 427 and 506(i) IPC, in Crime No.1146 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.10.2020 at about 11.45 am., the petitioners claimed right over the house of the defacto complainant and damaged his house with JCB and assaulted him.



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 innocent persons and they have been falsely implicated in this case. He further submitted that no one sustained injury. Hence, he seeks anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that no injury was caused to the defacto complainant.

6. Considering the facts and circumstances of the case, 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 I, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) common sureties 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 his Aadhar card or Bank pass Book to ensure thier identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m without fail for a period of three 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
22/10/2020

/ /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.1, DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-7189[I] dated 28/10/2020)

ORDER
IN
CRL OP(MD) No.12024 of 2020
Date :22/10/2020

RMK
TE/SMA/SAR-II : 29/10/2020 : 3P/6C