



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.13766 of 2020

Mahakrishnan

... Petitioner/A-3

Vs

State Rep.by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
Crime No.672 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.672 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 323, 307 & 506(ii) of I.P.C., in Crime No.672 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that four years before, the defacto complainant has occupied the house belongs to A-1 under lease and he has paid a sum of Rs.3,50,000/-to A-2 on impression that he is the owner of the property and later, the defacto complainant came to know that A-1 is the owner of the property. A-1 & A-3 have threatened the defacto complainant to vacate the house. Later on 12.10.2020, when the defacto complainant was in his brother's shop, six unknown persons arrived to the spot and attacked the defacto complainant with deadly weapons and threatened him to vacate the house immediately. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the



4.The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the defacto complainant has occupied illegally the house of A-1 by utilizing the situation that A-1 was residing at Chennai and the defacto complainant colluded with A-2 and illegally occupied the house of A-1, due to the same A-1 & A-3 as his Advocate and initiated criminal complaint against the defacto complainant and the same is pending for enquiry. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the injured was already discharged from the hospital.

6. Considering the fact and circumstances of the case and considering the fact that the injured person already discharged from the hospital, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a)the petitioner 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 petitioner shall report before the respondent police daily, at 10.30 a.m. and 05.00 p.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 against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2020

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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,
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13766 of 2020
Date :02/12/2020

MS/PN/SAR-2/07.12.2020/3P.5C