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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13856 of 2020

Sekaran

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Kurangani Police Station,
Theni District.

Cr.No. 83 of 2020

... Respondent/Complainant

For Petitioner : M/s.R.Rajamohan,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.83 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294 (b), 323, 427, 506 (i) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that A2 is the adjacent land owner of the defacto complainant. The petitioner is the driver of A2's vehicle. The accused persons were said to have demolish the defacto complainant's small house, cattle shed and planted coconut trees by using JCB and abused the defacto complainant by using filthy language and also threatened him, his cousin & his wife with dire consequences. Hence, the complaint.



4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

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5. The learned Government Advocate(Crl.Side) submitted that A2 is the adjacent land owner of the defacto complainant. The petitioner is the driver of A2's vehicle. The accused persons were said to have demolish the defacto complainant's small house, cattle shed and planted coconut trees by using JCB and abused the defacto complainant by using filthy language and also threatened him, his cousin & his wife with dire consequences.

6.It is seen that the petitioner is the drier of the vehicle, which was allegedly used in the crime.

7.Considering the above facts and circumstance, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Bodinayakannur, Theni District. on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 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., for 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
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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,
BODINAYAKANNUR,
THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
KURANGANI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-7830[I] dated 02/12/2020)

ORDER
IN
CRL OP(MD) No.13856 of 2020
Date :02/12/2020

DSS
TE/AKM/SAR-III : 09/12/2020 : 3P/6C