



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2020

PRESENT

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

CRL OP(MD). No.14572 of 2020

1. Chandramani
2. Manikandan
3. Muthukumar

... Petitioners/Accused No.1 to 3

The State Rep by
The Inspector of Police,
Sipcot Police Station
Tuticorin, Tuticorin District.
Cr No. 661/2020.

Vs

... Respondent/Complainant

For Petitioners: M/s.S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

C-31 AB. For Anticipatory bail in Crime No. 661/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 448 and 506(ii) of I.P.C. and Section 3 TNPPDL Act, in Crime No.661 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners ransacked the defacto complainant's carpentry shop. Hence, a case has been registered.

4. The learned counsel for the petitioners submitted that the petitioners are running a carpentry shop. The first petitioner's wife namely, Kanniammal filed suit in O.S.No.63 of 2019 and the same is pending. During the pendency of the same, the defacto complainant ransacked the shop and damaged the shop. In this regard, the petitioners lodged a complaint before the respondent police.



5. The learned Government Advocate (Crl. Side) submitted that the petitioners and the defacto complainant are close relatives and there is a civil dispute pending between them. The defacto complainant was attacked with stick and he was treated as out-patient.

4. Considering the facts and circumstances of the case and a civil dispute is pending between the parties, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Tutucorin, Tuticorin District, and on their executing 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/-

11.12.2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS

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.III,
Tutucorin, Tuticorin District.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Sipcot Police Station
Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate (SR-8126[I] dated
14/12/2020)

ORDER
IN
CRL OP(MD) No.14572 of 2020
Date : 11/12/2020

VB RSK SAR 3 (17.12.2020) 3P 6C