



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19028 of 2021

1 SAMBATH @ MARIYAPPAN  
2 KARTHIKEYAN  
3 ELAIYARAJA

[ PETITIONERS / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
MAYILADUTHURAI POLICE STATION,  
MAYILADUTHURAI DISTRICT  
CRIME NO.1766/2021

[ RESPONDENT ]

For Petitioner : M/S.U.KATHIRAVAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate ( CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 448, 380 & 506(i) of IPC, in Crime No.1766 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant constructing a new house in which the petitioners are masons. It is alleged that the petitioners trespassed and committed theft worth about Rs.1,00,000/-. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submits that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that there are no previous cases pending against the petitioner. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case it appears to be an employer and employee dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate -I at Mayiladuthurai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners shall affix his photographs and left thumb impression in the surety bond and the Court concerned 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/-

08/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,  
NO.1, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
MAYILADUTHURAI POLICE STATION,  
MAYILADUTHURAI DISTRICT.

+2 CC to M/S.U.KATHIRAVAN Advocate on payment of necessary  
charges SR.NO.11369

CRL OP.19028/2021

Date :08/10/2021

RW 26/10/2021