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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.754 of 2021

V.Kannan

... Petitioner/A5

Vs

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.3 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

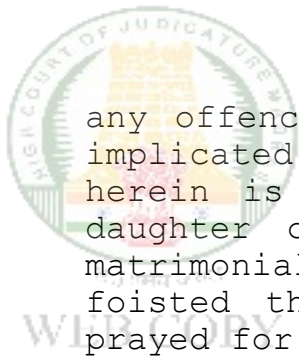
For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 506(ii) and 109 IPC and Section 3(1) TNPPDL act in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 to A4 by using machineries damaged the compound wall of the Rukmini Ammal Education Trust of the defacto complainant. The act of A1 to A4 has been instigated by the petitioner herien. Hence, the present complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner herein is a 72 years old man and his son was given married to daughter of the defacto complainant's brother. There was some matrimonial dispute between them and hence, the defacto complainant foisted the present complaint with false allegations. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that totally five accused in this case and the petitioner herein is arrayed as A5. The petitioner with the help of other accused damaged the compound wall of the defacto complainant's educational trust.

5.Considering the above facts and circumstances of the case and considering the fact that the petitioner herein is a senior citizen, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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.1, Usilampatti, Madurai 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 appear before the respondent Police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/01/2021

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/ /2021

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,
USILAMPATTI, MADURAI DISTRICT.
- 2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.C.JEGANATHAN, Advocate (SR-388[I] dated 22/01/2021)

ORDER
IN
CRL OP(MD) No.754 of 2021
Date :21/01/2021

GNS
AE/KV/SAR-II (27/01/2021) 3P / 6C