



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.747 of 2021

1. A.Arumugam
2. Selvakumar

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
(Crime No.132 of 2020).

... Respondent/Complainant

For Petitioners: Mr.C.Suresh Kannan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.132 of 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(Criminal Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 379 IPC, in Crime No.132 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that based on the complaint given by the defacto complainant alleging that the petitioners cut down the karuvelam trees from the defacto complainant's land worth Rs.2,000/-, a case in Crime No.123 of 2015, under Section 379 IPC has been registered.



4.The learned counsel for the petitioners would submit the petitioners are law abiding citizens and they will not abscond themselves or evade any due process of law and the petitioners are prepared to furnish substantial sureties due his appearance.

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5.The learned Government Advocate(Criminal side) would submit based on the complaint given by the defacto complainant, a case in Crime No.132 of 2020 has been registered against the petitioners under Section 379 IPC.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only)** each without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance / submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioners shall execute 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 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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,
MANAMADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER

IN

CRL OP(MD) No.747 of 2021

Date :21/01/2021

VRN

SRS/SMA/SAR-III/29.01.2021/3P/6C