WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4535 of 2021

1.R.Neelakandan
2.N.Sasikala ... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 131/2021. ... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-
For Anticipatory Bail in Crime No.131 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 431, 506(i) IPC and Section 3(i) of TNPPDL Act in Crime No.131 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners encroached the water body and damaged the bund of the same. Hence, the complaint was lodged by the Assistant Engineer, PWD.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that now the bund was restored to the original position. Hence, he prayed for grant of anticipatory bail to the petitioners.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the present complaint was lodged by the Assistant Engineer, PWD stating that the petitioner encroached the bund of the water body and damaged the same. However, now the bund was restored back.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with common surety 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 appear 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

https://hcservices.ecourts.gov.in/hcservices/

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.

WEB COPY

TO

1.THE JUDICIAL MAGISTRATE, PATTUKOTTAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THNAJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.C.SUSI KUMAR, Advocate SR.No.2577

ORDER
IN
CRL OP(MD) No.4535 of 2021
Date :24/03/2021

GNS
PK/SMA/29.03.2021 : 3P/6C

https://hcservices.ecourts.gov.in/hcservices/