



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4671 of 2021

Mariappan

... Petitioner/Accused

Vs

State rep.by,
The Inspector of Police,
Alanganallur Police Station,
Madurai District
Crime No. 103/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Muthumalai,
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.103 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 448,
294(b), 427 and 506(i) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that on 16.03.2021, the
petitioner illegally trespassed into the defacto complainant's land
and damaged the barbed wire and stone pillars worth about
Rs.10,000/- and the same was questioned by the defacto complainant,
the petitioner abused the defacto complainant and made attempt to
attack him.

3. The learned counsel for the petitioner would submit that the
petitioner and the defacto complainant are neighbour. He would
further submit that the petitioner is an innocent and a false case
has been foisted against him.



4.The learned Government Advocate(Crl.Side) would submit that the petitioner and the defacto complainant are neighbour and due to land dispute, the petitioner illegally trespassed into the defacto complainant's land and damaged the barbed wire and stone pillars worth about Rs.10,000/- and also abused the defacto complainant and made attempt to attack him.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner and the defacto complainant are neighbour, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, 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 report 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/03/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, VADIPATTI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.K.MUTHUMALAI, Advocate SR.No.2627

ORDER
IN
CRL OP(MD) No.4671 of 2021
Date :26/03/2021

LS
PK/JC/31.03.2021 : 3P/6C