



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.5405 of 2021

1. Buvanesh
2. Esakkimuthu S/o.Ennasi
3. Pooventhira Nadar

... Petitioners/Accused No.1 to 3

Vs

State Rep. By
The Inspector of Police,
Paapakudi Police Station,
Tirunelveli District
(Crime No.435 of 2020)

... Respondent/Complainant

For Petitioner : Mr.Anbarasu.S.R.,
Advocate.

For Respondent : Mrs.M.Anandadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

Anticipatory Bail in Cr.No.435 of 2020 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 alleged offences punishable under Sections 294(b), 434, 427 and 506(i) IPC in Crime No.435 of 2020, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners damaged the fencing of the defacto complainant and caused loss to the tune of Rs.21,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence

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as alleged by the prosecution. He further submitted that there is a delay in preferring the present complaint and a suit in O.S.No.7 of 2014 is also filed and the same is pending.

4.The learned Government Advocate(Crl.side) submitted that though the parties are relatives, there is a property dispute and the petitioners damaged the fence worth about Rs.21,000/-.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

6.It is seen from the submissions made that due to property dispute, the petitioners said to have damaged the fence erected by the defacto complainant causing damage to the tune of Rs.21,000/- and also criminally intimidated and abused the defacto complainant. It is also seen that there is a delay in preferring the present complaint and a suit in O.S.No.7 of 2014 is also pending. Considering the above facts and also considering the fact that there is a delay in preferring the present complaint, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners shall jointly deposit a sum of Rs.21,000/- to the credit of crime No.435 of 2020 before the learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District.

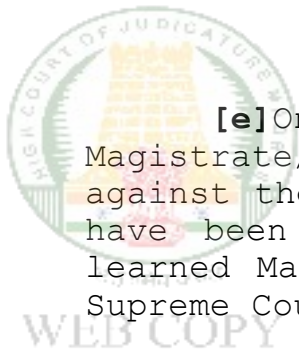
7.Accordingly, on the deposit of Rs.21,000/-, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, on condition that the petitioner 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 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 respondent police daily at 10.30 am., until further orders.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/04/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAAPAKUDI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5405 of 2021
Date :21/04/2021

AMS/PN/SAR-2/28/04/2021/3P/5C