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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5673 of 2021

1. Savari Muthu
2. David Selvaraj Alias Selvaraj
3. John Britto Alias John
4. Jeyakumar
5. Xavier

... Petitioners/Accused Rank Nos.1, 3 to 6

Vs

The State Rep. By
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No. 28/2021)

... Respondent/Complainant

For Petitioners: Mr.Jeyakarthik.M.S.,
Advocate.

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

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

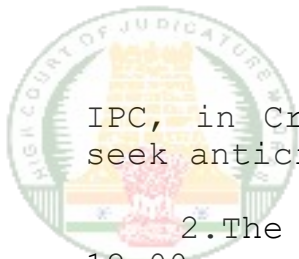
PRAYER :-

For Anticipatory Bail in Crime No. 28/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 3 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427 and 506(ii) of

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



IPC, in Crime No.28 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 06.02.2021 at about 12.00 noon, the petitioners along with R.S.Mangalam Surveyor came to the landed property of the second accused to survey his landed property. Whereas, instead of surveying the second accused's property, they have surveyed the defacto complainant's patta property. When the same was questioned by the defacto complainant, the petitioners and other said to have abused the defacto complainant by using filthy language and also caused damage to the fence, boundary stones worth about Rs.20,000/-. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

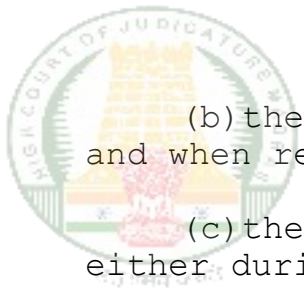
4.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that A2 in this case has already been granted anticipatory bail by this Court in Crl.O.P.(MD).No.2648 of 2021 dated 19.02.2021. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners and the fact that A2 in this case has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Thiruvadanai, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/04/2021

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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,
THIRUVADANAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAS HIGH COURT, MADURAI.



+1. CC to M/S.JEYAKARTHIK.M.S. Advocate SR.No.3307

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ORDER

IN

CRL OP(MD) No.5673 of 2021

Date :21/04/2021

AMS/VR/SAR-1/04/05/2021/4P/6C