



WEB COPY

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

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.5699 of 2021

Krishnan

... Petitioner/Accused No.1

Vs

The State of Tamil Nadu
Rep by its Inspector of Police,
Trichendur Police Station,
Thoothukudi District.
(Crime No.149 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vinodh.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.149 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 448, 427, 294(b), 506(2) and 380 IPC in Crime No.149 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that on 10.04.2021 at about
11.00 am., the petitioner along with other accused said to have
unlawfully assembled and criminally trespassed into the defacto
complainant's office situated in Door No.80/169-1, Veiluganthamman
Kovil Street, Tiruchendur and caused damage to CCTV camera, CPU and
other articles, worth about Rs.50,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case along with other accused. In fact, the petitioner is
the owner of the above said property and the defacto complainant and
his men only encroached the property. He has also produced the sale
deed dated 27.11.2021. He further submitted that the petitioner
also filed a complaint against the defacto complainant. Therefore,
he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is pending.

5.Considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.25,000/- to the credit of crime No.149 of 2021 before the learned Judicial Magistrate Court, Trichendur, Thoothukudi District.

6.After depositing the above said amount, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Trichendur, Thoothukudi District, 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 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 respondent police daily at 10.30 am., until further orders.

[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]**.

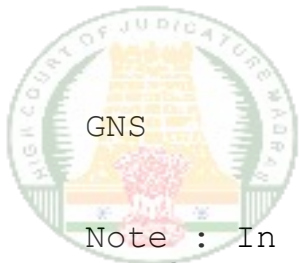
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26.04.2021

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

+1 CC to M/s.S.VINODH, Advocate (SR-3372[I] dated 26/04/2021)

ORDER
IN
CRL OP(MD) No.5699 of 2021
Date : 26/04/2021

VB SKN SAR IV(04/05/2021) 3P / 6c