



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5893 of 2021

1.Palani

2.Rajendran @ Samiyadi

... Petitioners/Accused 1 & 3

Vs

The State rep by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

Cr.No. 117 of 2021.

u/s 447, 294(b), 323, 506(ii), 379 of IPC ... Respondent/Complainant

For Petitioner : M/s.Karthikraja D,
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.117 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 alleged offences punishable under Sections
447, 294(b), 323, 506(ii), 379(NP)IPC in Crime No.117 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the first petitioner and
the defacto complainant are brothers and there was a property
dispute with regard to the cultivation of the land and drawing water
from the well. On 18.12.2020, when the defacto complainant was
trying to cultivate his land, the petitioners herein prevented him.
Therefore, the defacto complainant filed a suit in O.S.No.257 of
2020. During pendency of the above said suit, on 07.03.2021 at
about 07.30 PM., when the defacto complaint went to his land, the
accused persons had been removing the paddy crops. When the defacto



complainant trying to prevent them, at the instigation of A1, A2 attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and it is a false case.

4.The learned Government Advocate(Crl.side) submitted that the investigation is pending and there is no previous case against the second petitioner. However, the first petitioner is having four previous cases in Crime Nos.46, 908, 891 of 2020 and 503 of 2021.

5.It is seen from the submissions made that there is a property dispute between the first petitioner and the defacto complainant and the allegation against the petitioners is that they tried to steal paddy crops from the land of the defacto complainant and attacked him. Considering the fact that the first petitioner is having four previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed so far as the first petitioner is concerned.

6.Since this case was registered on 18.12.2020 and there is no previous case against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

7.Accordingly, the second 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, Thirumangalam, Madurai District on condition that the second 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 second 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 second petitioner 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.

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

GNS

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

ORDER
IN
CRL OP (MD) No.5893 of 2021

Date : 26/04/2021

VB SKN SAR IV(04/05/2021) 3P / 5c