



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

Date : **28/04/2021**

PRESENT

WEB COPY

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.5996 of 2021

1. S.Muthuraman,
2. Balakrishnan,
3. Murugan,

... Petitioners/Accused 1 to 3

Vs

State Rep By
The Inspector of Police,
Earvadi Police Station,
Tirunelveli District
(In Crime No.120 of 2021).

.. Respondent/Complainant

For Petitioners : Mr.Mayilvahana Rajendran C,
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.120 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 427, 323 and 506 (ii) of IPC in Crime No.120 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that there is a dispute with regard to giving way for 5 feet pathway. The defacto complainant refused to accept the request of the petitioners. Due to previous enmity between them, on 03.04.2021, at about 07.00 p.m., the petitioners damaged and razed the septic tank using JCB and also



attacked the defacto complainant. Due to which, the defacto complainant suffered injury. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and that the first and second petitioner has no previous case and the third petitioner has totally six previous cases. Hence, he opposes granting of anticipatory bail to the third petitioner.

6. Taking note of the fact that the third petitioner/Accused No.3 has six previous cases pending against him, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this petition is dismissed as against the third petitioner/Accused No.3.

7. Considering the facts and circumstances of the case, the injured has been discharged from the hospital and the first and second petitioner has no previous cases, this Court is inclined to grant anticipatory bail to the first and second petitioners with certain conditions.

8. Accordingly, the first and second 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, Nanguneri, and on their executing 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 learned Magistrate concerned and on further conditions that:

(a) the first and second 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 cards or Bank pass Books to ensure their identity;

(b) the first and second petitioners shall report before the respondent police, daily, at 10.30 a.m., 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]**; and

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/04/2021

/ TRUE COPY /

/ /2021

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

SM

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,
NANGUNERI
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
EARVADI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MAYILVAHANA RAJENDRAN C Advocate SR.No.3469
ORDER
IN
CRL OP(MD) No.5996 of 2021
Date :28/04/2021