



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

Date : 07/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.7267 of 2021

1.H.Rajendran
2.J.Kasiraj
3.R.Sugathan
4.D.Karunakaran
5.K.Raveendran
6.R.T.Suresh

... Petitioners/Accused
No.1 to 6

Vs

The State rep.by,
The Inspector of Police,
Puthukadai Police Station,
Puthukadai,
Kanyakumari District.
Crime No.200/2021

... Respondent/Complainant

For Petitioners :M/s.L.Victoria Gowri,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 200 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A6 respectively, apprehend arrest by the respondent police for the offences punishable under Sections 143, 447, 427, 294 (b), and 506 (ii) of IPC in Crime No.200 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.The case of the prosecution is that there are totally eight accused persons, who are said to have trespassed into the property of the defacto complainant and have destroyed the boundaries and



caused loss to the tune of Rs.3,00,000/-. The petitioners are ranked as A1 to A6.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence and the petitioners have been falsely implicated in the present case. It was further submitted that there was a dispute with regard to the usage of the disputed property by the petitioners and other persons belonging to the Panchayat and that no damage was caused as alleged by the defacto complainant.

4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police, on instructions, submitted that there was a dispute with regard to the usage of the disputed property between the parties.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6.Considering the above facts and circumstances of the case and also considering the fact that there was a boundary dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

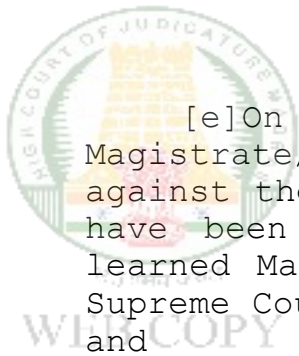
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.II, Kuzhithurai, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/06/2021

/ 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 No.II,
KUZHITHURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
PUTHUKADAI, KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.L.VICTORIA GOWRI Advocate SR.No.3882

ORDER
IN
CRL OP(MD) No.7267 of 2021
Date :07/06/2021

SM
TK/PN/SAR.3/10.06.2021/3P/6C