



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7826 of 2021

1.Selvam

2.Sundaravalli

... Petitioners/1st & 2nd Accused

Vs

State Rep. by
The Inspector of Police,
Watrap Virudhunagar Police Station,
(Crime No.110 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Arjun.V.N,
Advocate.

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

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

PRAYER :- For anticipatory bail in Crime No.110 of 2021 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
427, 294(b) and 506(i) of IPC, seek anticipatory bail.

2.It is seen from the submissions that due to dispute with
regard to running a mutton shop by the defacto complainant. On
03.05.2021, it was seen by the defacto complainant that the articles
kept in the mutton shop were thrown out of the shop. When enquired,
the accused said to have informed that the place where the defacto
complainant was running the mutton shop belong to them and
therefore, they have thrown the things from the shop. On 07.05.2021
at about 11.30 a.m., they have damaged the Tin shed in front of the
shop. Therefore, this case came to be registered.

3. The learned counsel for the petitioners would submit that
the petitioners are innocent persons and they have been falsely
implicated in this case.



4.The learned Government Advocate (Crl.Side) opposed this petition on the ground that investigation in this case is not completed and the petitioners said to have caused damage to the shop materials worth about Rs.500/-.

5.Considering the facts and circumstances of the case and the fact that substantial part of the investigation is over by this time, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Srivilliputtur, 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;

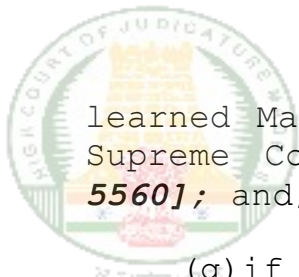
(b)Each of the petitioner is directed to deposit a sum of **Rs.500/- (Rupees Five Hundred only) [Totally Rs.1,000/- (Rupees One Thousand only)] to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Srivilliputtur.**

(c)the first petitioner, who is residing at Madurai, shall report before the Inspector of Police, Tirumangalam daily at 10.30 am., until further orders and the second petitioner shall report before the respondent police daily at 10.30 am., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/06/2021

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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 NO.I, SRIVILLIPUTTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE,
WATRAP VIRUDHUNAGAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.
- 2 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM.

+2 CC to M/s.V.N.ARJUN, Advocate (SR-4026[I] dated 17/06/2021)

ORDER

IN

CRL OP(MD) No.7826 of 2021

Date :16/06/2021

LS

JM/JC/SAR I/22.06.2021/3P/9C

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