



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

Date : 13/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9276 of 2021

1. PKM.Sundarpandian
 2. PKM.Senthil @ Senthil Eswaran
 3. Shanmugabose
- ... Petitioners/Accused No.1,2&3

Vs

The State Rep. by,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 286/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Senthil Kumar,
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. 286 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 147, 448, 294(b), 427 and 506(2) IPC in Crime No.286 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a property between the defacto complainant and the accused. A civil suit also pending before the Sub Court, Mudhukulathur. On 06.07.2021, at about 10.00 am., the accused had come to the defacto complainant's house and asked him to give up his claim in the civil suit. The defacto complainant refused for the same. At about 11.30 am., on the same day, the accused had illegally trespassed into the house and scolded him in filthy language. They damaged the glass doors and other articles in the house. They have also made criminal intimidation and left place. The value of the damaged articles is Rs.5,000/-. Hence, the complaint.



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

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed on the ground that the investigation is not completed. He further submitted that the third petitioner has one previous case pending against him in Cr.No.436 of 2020 under Sections 147, 148, 294(b), 323, 324, 353, 392, 506(i) IPC and Section 4 TNPDDL Act. He also submitted that no one injured in the incident.

5.Considering the fact that the third petitioner is having one previous case, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this criminal original petition is dismissed against the third petitioner.

6.However, considering the fact that no one injured in the incident, this Court is of the considered view that the petitioners 1 & 2 may be granted anticipatory bail subject to their depositing Rs.5,000/-, without prejudice to their defence, to the credit of crime No.286 of 2021, to be disbursed to the victim under the provisions of victim's compensation.

6.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2 subject to the condition that the petitioners 1 & 2 shall jointly deposit a sum of Rs.5,000/- to the credit of crime No.286 of 2021 before the learned District Munsif cum Judicial Magistrate, Kadaladi.

7.Accordingly, the petitioners 1 & 2 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Kadaladi 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners 1 & 2 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 petitioners 1 & 2 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1 & 2 shall not tamper with evidence or witness either during investigation or trial.



[d]the petitioners 1 & 2 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 1 & 2 in accordance with law as if the conditions have been imposed and the petitioners 1 & 2 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/-
13/07/2021

/ 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. DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9276 of 2021
Date :13/07/2021