



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

Date : 16/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN  
CRL OP (MD) No.9453 of 2021

WEB COPY

1. Karthic,

2. Balu,

... Petitioners/Accused

Vs

The Inspector of Police,  
Devakottai Town Police Station,  
Sivagangai District. Cr.No. 334 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Saranya D,  
Advocate.

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

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

PRAYER :-

Anticipatory Bail in Crime No.334 of 2021 on the file of the  
Respondent Police.

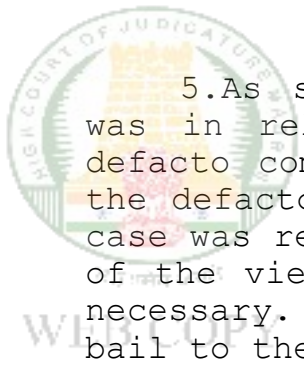
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
294(b), 506(i) and 109 IPC in Crime No.334 of 2021, seek  
anticipatory bail.

2.The case of the prosecution is that there is suit pending in  
O.S.No.40 of 2020 between the defacto complainant's mother and his  
uncle. Accused Balu had gathered sand, which was procured illegally  
in the land of the defacto complainant. Therefore, he gave complaint  
to the Thasildar and the Revenue authorities have seized the sand.  
On 28.06.2021, at about 12.59 pm., accused Karthi called the defacto  
complainant through cell phone. Since he was not available, he  
conducted Karthi's father Balu and he handed over the phone to  
Karthi and he asked as to why he had given complaint to Thasildar.  
Then, he started abusing the defacto complainant in filthy language.  
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 this petition on the ground that  
investigation is not completed. He also submitted that A1 has one  
previous case under Section 294(b) IPC.



5.As set out earlier, the parties are relatives. The dispute was in relation to accumulation of sand by the accused in the defacto complainant's land and subsequently complaint was given by the defacto complainant. He was abused through phone and therefore, case was registered. Taking note of all these factors, this Court is of the view that custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 Judicial Magistrate Court, Devakottai, Sivagangai District, 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 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 shall report before the Inspector of Police, Thiruppuvanam Town Police Station, Thiruppuvanam, Sivagangai District 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.

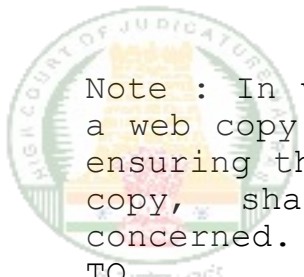
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down 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.

sd/-  
16/07/2021

/ 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.The Judicial Magistrate Court,  
Devakottai, Sivagangai District.
- 2.Do-Through The Chief Judicial Magistrate Court,  
Sivagangai District.
- 3.The Inspector of Police,  
Devakottai Town Police Station,  
Sivagangai District.
- 4.The Inspector of Police,  
Thiruppuvanam Town Police Station,  
Thiruppuvanam,  
Sivagangai District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN  
CRL OP (MD) No.9453 of 2021

Date : 16/07/2021

CN(22.07.2021) 3P 6C