



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9946 of 2021

1. M.Dharmaraj
2. Maruthathaal
3. Selvi
4. Sivakumar
5. Harikrishnan

... Petitioners/Accused 1 to 5

Vs

The State rep.by,
The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No.172/2021.

... Respondent/Complainant

For Petitioner : Mr.U.Krishnasamy,
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.172 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.172 of 2021, on the file of the respondent police, seek anticipatory bail.

2. There was a previous enmity between the de-facto complainant and the petitioners, in this case. The de-facto complainant was using rubber pipes for taking water from Survey Nos.161/1A, 1G, 2A to another Survey No.177/1. On 14.06.2021 at about 07.00 a.m., the accused had trespassed into her place, scolded her in filthy language and damaged the pipes worth Rs.5,000/-. They also made criminal intimidation. Therefore, this case came to be



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

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed.

5.It is seen from the allegations made in the First Information Report that there was a property dispute between the de-facto complainant and the petitioners, especially, in connection with watering her land with rubber pipes.

6.In the facts and circumstances of the case, this Court is of the view that the custodial interrogation of the petitioners is not necessary. However, it is alleged that the petitioners damaged the rubber pipes worth Rs.5,000/-. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.III at Tirunelveli, 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 are jointly directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.172 of 2021 before the learned Judicial Magistrate No.III at Tirunelveli**, within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c]the learned Judicial Magistrate No.III at Tirunelveli, is directed to pass appropriate orders with regard to the disbursing of the amount at the time of final disposal of the case including granting compensation to the de-facto complainant;

[d]the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial;



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

[g]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]**;

[h]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/07/2021

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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.III,
TIRUNELVELI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.U.KRISHNA SAMY, Advocate (SR-4883[I] dated 28/07/2021)

ORDER

IN

CRL OP(MD) No.9946 of 2021

Date :27/07/2021

SJI

MK/JM/SAR.II/02.08.2021/2P/6C