



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10424 of 2021

Shanmugabose

... Petitioner/Accused NO.3

Vs

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

...Respondent/Complainant

For Petitioner : Mr.R.Senthilkumar,
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

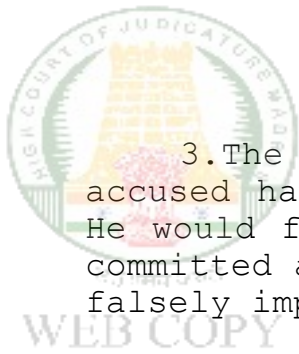
PRAYER :-

For Anticipatory Bail in Crime No.286 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 448, 294(b), 427 and 506(ii) I.P.C, in Crime No.286 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioner and the defacto complainant, the petitioner along with others trespassed into the defacto complainant's house, damaged the glass doors and other articles, worth about Rs.5,000/-, scolded him in filthy language and also criminally intimidated him. Hence, the complainant.



3.The learned counsel for the petitioner submits that the co-accused have already been granted anticipatory bail by this Court. He would further submit that petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that accused Nos. 1 and 2 have been granted anticipatory bail by this Court in CRL.OP(MD). No.9276 of 2021 on 13.07.2021. He would further submit that the petitioner has involved in yet another case in crime No.436 of 2020 for the offences under Sections 147, 148, 294(b), 323, 324, 352, 392 and 506(i) I.P.C and Section 4 of TNPPDL Act. By referring the same, the earlier anticipatory bail petition was dismissed.

5.Though this Court by an order dated 13.07.2021 in CRL.OP(MD). No.9276 of 2021 dismissed the anticipatory bail application as against this petitioner, the respondent police have not taken any steps to arrest the petitioner and now the petitioner has come forward with this application stating that both the cases pending against him are foisted one.

6.Considering the facts and circumstances of the case and the fact that accused nos.1 and 2 have already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

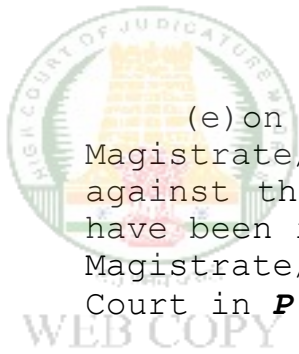
7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Kadaladi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa

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 District Munsif Cum Judicial Magistrate, Kadaladi

2.Do through

The Chief Judicial Magistrate, Ramanathapuram.

3.The Inspector of Police,
Sayalkudi Police Station
Ramanathapuram District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-5414[I] dated 16/08/2021

ORDER IN

CRL OP(MD) No.10424 of 2021

Date : 16/08/2021

TR/PN/SAR-II(27.08.2021) 3P C

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