



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10014 of 2021

1. Ravichandran
2. Rajesh
3. Balakrishnan
4. Ramesh
5. Ganesan
6. Vairavan
7. Pitchaikutti
8. Anbu

... Petitioners 1 to 8/Accused 1 to 7,10

Vs

The State rep.by,
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai.
Crime No.415/2020.

... Respondent/Complainant

For Petitioner : Mr.M.S.Parthiban,
Advocate.

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

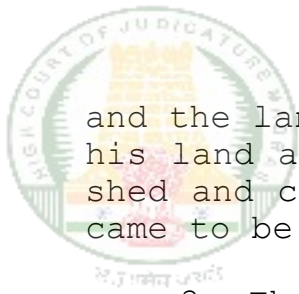
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.415 of 2020 on the file of 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, 427, 506(2)IPC, in Crime No.415 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant owns land in Survey No.23/23 in Kalayarkoil, Somanathamangalam Group. There is a writ petition in W.P.(MD) No.21646 of 2018 was filed in connection with the land and the defacto complainant got favourable order on 29.09.2019 and therefore, he made arrangements to secure the property with the help of the Tahsildar and surveyor



and the lands were measured on 09.06.2020. The accused entered into his land and damaged the boundary lines, fencing and concrete sheet shed and caused damage for value of Rs.1 Lakh. Therefore, this case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have falsely implicated in this case. He further submitted that except Section 506(ii) IPC other offences are bailable offences. However, there is no mention in the First Information Report that the accused had made any criminal intimidation and made loss to the defacto complainant. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. As rightly pointed out by the learned counsel for the petitioner, there is no specific mention in the First Information Report as to whether the accused had made criminal intimidation against the defacto complainant and anybody else. In that event, when there is no specific overtact for attracting the offence under Section 506(ii) IPC and then other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners.

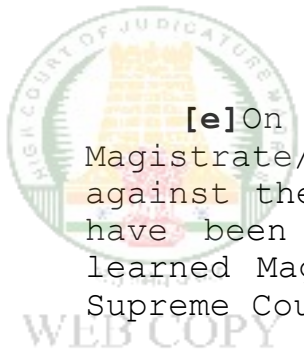
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivaganga, Sivaganga District, on condition that the petitioners 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 appear before the respondent police as on when required for interrogation.

[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/-

28/07/2021

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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.I,
SIVAGANGA, SIVAGANGA DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.S.PARTHIBAN, Advocate (SR-4964[I] dated 30/07/2021)

ORDER

IN

CRL OP(MD) No.10014 of 2021

Date :28/07/2021

KSA

MK/JM/SAR.I/02.08.2021/3P/6C