



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10247 of 2021

1. Marimuthu
2. Isaiyarasu
3. Ravi Alias Ravichandran
4. Velmurugan

... Petitioners/Accused 1 to 4

Vs

The State Represented by
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
Cr.No.10/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Muralikumar,
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.10 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), 427 and 506(ii) IPC in Crime No.10 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is in possession and enjoyment of the Gramanatham in 258/4 for the past 40 years. On 16.01.2021, he was tried to put up fencing in the property, the accused came there and quarreled with him and removed the fencing made by the defacto complainant and they also made criminal intimidation. 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 and the first petitioner has three previous cases pending against him.

5.It is a case of claim right to Gramanatham by the defacto complainant and the accused. As a result, the said incident had happened, thereby the petitioners said to have removed the fence made by the defacto complainant and made criminal intimidation.

6.Though the learned Government Advocate(Crl.side) submitted that the first petitioner is having three previous cases, one case was disposed of and other two cases are under Sections 147, 188 IPC and 143 and 389 IPC. More over, the first petitioner is 74 years old. Considering the nature of incident, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

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, Devakottai, 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:

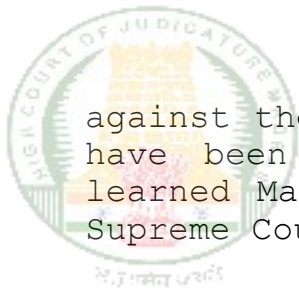
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police 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/-
30/07/2021

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

ORDER
IN
CRL OP(MD) No.10247 of 2021
Date :30/07/2021

SS/JM/SAR-II/04.08.2021 : 3P/5C