



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11279 of 2021

WEB COPY

1.T.RAMATHANULINGAM,
2.G. BOOPATHY RAJA @ RETHNAMANI RAJA,

...PETITIONERS/ACCUSED Nos.1 &3

VS

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 405/2020).

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.SENTHIL.M.P,
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. 405 of 2020 on the
file of the respondent Police.

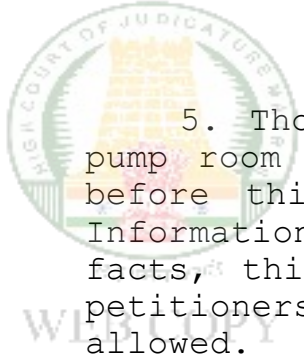
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
447, 427, 294(b) and 506(1) of IPC in Crime No.405 of 2020, seek
anticipatory bail.

2.The case of the prosecution is that on 04.10.2020, at about
11.00 am, the petitioners along with the second accused damaged the
pump room of the Village Panchayat. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
first petitioner is the Vice President and the second petitioner is
his friend. They have been unnecessarily roped in as accused, at
the instance of the officials in the village panchayat, on the
political enmity prevailing between them. The learned counsel
further submits that for the alleged occurrence that is said to have
taken place on 04.10.2020, complaint has been given only on
15.10.2020.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police, opposed this petition on the ground that
investigation is yet to be completed.



5. Though in the First Information Report it is averred that pump room has been damaged, no material evidence has been placed before this Court to substantiate the same. Further, the First Information Report has been lodged with delay. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners and accordingly, this Criminal Original Petition is allowed.

6. The petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Nagercoil 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

(c) the petitioners shall not tamper with the 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]**; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

16/08/2021

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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

<https://hcservices.ecourts.gov.in/hcservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, NO.III,
NAGERCOIL.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
SOUTH THAMARAKULAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-5445[I] dated 17/08/2021)

ORDER

IN

CRL OP(MD) No.11279 of 2021

Date :16/08/2021

GC/JM/SAR-I/23/08/2021/3P/6C