



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.08.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11469 of 2021

1.A.Ananth
2.Arulselvam
3.Maridurai

... Petitioners/Accused No.4 to 6

Vs.

The State rep.by,
The Inspector of Police,
Srivaikundam Police Station, Thoothukudi.
Crime No.221 of 2021.

... Respondent/Complainant

For Petitioners : MR.A.ROBINSON, Advocate.
For Respondent : MR.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.221 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), 324, 307, 506(2) and 353 of IPC altered to 294(b), 324, 307, 506(2) and 353 of IPC read with Section 212 of IPC in Crime No.221 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first and second accused are father and son and they have encroached a Government land. The Village Administrative Officer had taken steps to retrieve the land from the first and second accused, for which, the first and second accused assaulted the Village Administrative Officer. After the commission of offence, the first and second accused took asylum in the house of the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the first petitioner is the son-in-law of the first accused. Without knowing the occurrence, the first petitioner has permitted the first and second accused to stay in the house, for which, he and his



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

5. Considering the facts and circumstances and the nature of allegation as against the petitioners, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Judicial Magistrate, Srivaikundam 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 conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, 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].

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

sd/-

18/08/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SRIVAİKUNDAM POLICE STATION, THOOTHUKUDI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.A.RABINSON, Advocate (SR-5510[I] dated 19/08/2021)

ORDER
IN
CRL OP(MD) No.11469 of 2021
Date :18/08/2021

MBI
MK/PN/SAR.IV/31.08.2021/3P/6C