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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14352 of 2021

1.Gopal

2.Madhava Mahesh

... Petitioners/Accused
1 & 2

Vs

State rep.by

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(In Crime No.648 of 2021)

... Respondent/Complainant

For Petitioners : M/s.N.Ananthapadmanabhan, Advocate
for M/s.APN Law Associates

For Respondent : M/s.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

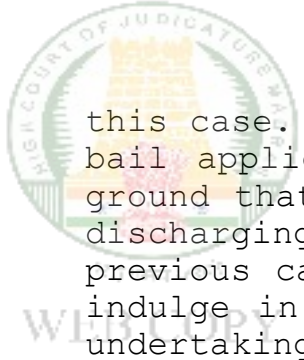
For Anticipatory Bail in Crime No.648 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353 and 506(i) IPC, in Crime No.648 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners prevented the surveyor and his assistants from measuring a land. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in



this case. He further submitted that this is the second anticipatory bail application and the earlier application was dismissed on the ground that the petitioners prevented the Government officials from discharging their duties and the first petitioner is having one previous case. He further submitted that the petitioners would not indulge in any such offence in future and they have also filed an undertaking affidavit to that effect. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent strongly opposed this petition on the ground that the first petitioner is having one previous case and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also taking into consideration the undertaking affidavit given by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate No.II, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge 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 Judge 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 a.m., 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 Judge/ 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 Judge/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.

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Sd/-
08/10/2021

/ TRUE COPY /

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

kmm

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.II,
RAMANATHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14352 of 2021
Date : 08/10/2021

SP/PN/SAR IV/29/10/2021/3P/5C