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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13240 of 2021

Saravanan

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.31 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M., Advocate.

For Respondent : M/s.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.31 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 323 and 506(1) of IPC and 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.31 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused damaged the defacto complainant's shop and it was informed by the watchman to him. When the same was questioned by the defacto complainant, the petitioner and other accused attacked him with hands, scolded him in filthy language and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner submits that the allegation against the petitioner is false and the same is a motivated one. Originally the petitioner purchased the said shop at Door No.137, Jeganatha Thevar Complex, North Car Street, Srivilliputhur Town, Virudhunagar District through Court Auction (Learned Sub Court, Srivilliputhur, Virudhunagar District) in E.P.No.20 of 2013 dated 25.04.2014. Subsequently, the petitioner filed an Execution Application in EA.No.54 of 2015 for delivery of possession and the same was ordered on 08.03.2017. Thereafter, the property was delivered to the petitioner on 10.04.2017 through Court. He would further submit that he is having sufficient materials to establish the same.

4.The learned Government Advocate(Crl.side) submitted that the respondent police filed a detailed report, wherein it is stated that the petitioner is the absolute owner of the property and the petitioner has also produced the sufficient materials to establish the same.

5.Considering the facts and circumstances of the case and also the fact that the petitioner is the absolute owner of the property, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his 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, Srivilliputhur, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner 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 petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
07/10/2021

/ TRUE COPY /

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

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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,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to KARUNANITHI M. Advocate SR.No.7153

ORDER
IN
CRL OP(MD) No.13240 of 2021
Date :07/10/2021