



WEB COPY

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.13487 of 2021

1. Boologamuthu
2. Thangamani
3. Arunkumar
4. Shanmugavel
5. Velmurugan
6. Rengaraj
7. Ramesh

... Petitioners/Accused
No.1 to 7

Vs

State rep.by
The Sub Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(Crime No.1058 of 2021).

... Respondent/Complainant

For Petitioners : M/s. Sureshkumar.S.R., 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.1058 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 offence punishable under Sections 143, 427, 294(b) and 506(i) and 379(NP) of IPC, in Crime No.1058 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the dispute between the defacto complainant and the petitioner is with regard to their house sites. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that they are having sufficient materials to establish that the petitioners are the owners of the property.

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that today the Investigating Officer has produced the Photographs of that place and also produced a written letter of the Village Administrative Officer, wherein it is stated that the petitioners are the absolute owner of the property and the petitioners have also produced the sufficient materials to establish the same before the respondent police.

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

6.Accordingly, this criminal original petition is allowed and 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, Oddanchathiram, 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 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 for interrogation.

[c] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly, to the credit of Crime No.1058 of 2021, before the learned Judicial Magistrate, Oddanchathiram, at the time of executing bond.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.



[e]the petitioners shall not abscond either during investigation or trial.

[f]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]**.

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

Sd/-
07/10/2021

/ TRUE COPY /

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

TTA

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

ORDER
IN
CRL OP(MD) No.13487 of 2021
Date : 07/10/2021