



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

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD).No.13604 of 2021

1. S.Viyagappan
2. V.Panneer Selvan
3. G.Anbu Selvam

... Petitioners/Accused
Rank Not Known

Vs

State Through
The Inspector of Police,
Thisayavilai Police Station,
Tirunelveli District.
Crime No.398/2021.

... Respondent/Complainant

For Petitioners: Mr.B.N.Raja Mohamed,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

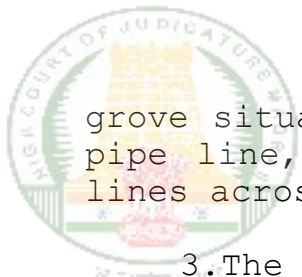
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For the Anticipatory bail in the Crime No.398/21 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, apprehending arrest at the hands of the respondent police for an alleged offence punishable under Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.398 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.09.2021 at 02.30 p.m., when the defacto complainant was said to be on regular patrolling duty at Urumankulam Village, two JCB vehicles bearing Registration No.TN-72-BY-5827 owned by the first petitioner and TN-72-CZ-9954 owned by the second petitioner are said to have been involved in digging the sand on the pond at Survey No.581 which belongs to the Public Works Department. On enquiry upon the other accused B.Chelladurai, he informed to the defacto complainant as if he is in possession of a Well in his property in Survey No.576/1A at Urumankulam Village from where he transports water to his coconut



grove situated at Survey No.646/3 in the adjacent village through a pipe line, for which, he is said to have involved in making pipe lines across the above said pond.

3.The learned counsel for the petitioner would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution. There was a personal animosity between one Chelladurai and some land owners of the above said village. Since, these petitioners happened to be persons with close acquaintance with him, they have been falsely implicated in this case. He would further submit that accused No.1 in this case has already been granted anticipatory bail by this Court in Crl.O.P(MD) No.13512 of 2021, dated 14.09.2021. Hence, he seeks for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused No.1 in this case has already been granted anticipatory bail by this Court.

5.Taking into consideration of the facts and circumstances and also considering the fact that the co-accused has already been granted anticipatory bail by this Court, 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 Court, Radhapuram, 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 Court concerned and on further conditions that:

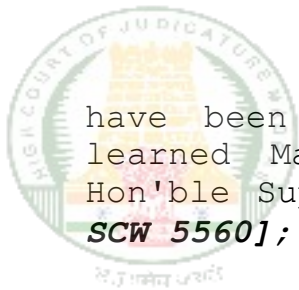
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 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 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 themselves 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2021

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.13604 of 2021
Date :16/09/2021

AM/CSM
MS/PN/SAR-1/22.09.2021/3P.5C