



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.15680 of 2021

1. Dinesh

2. Muniyasamy ... Petitioners/Accused 1 & 2

Vs

The State Rep.by
The Sub Inspector of Police,
Soorangudi Police Station,
Thoothukudi District.
Cr. No. 184 of 2021..

... Respondent/Complainant

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

For Respondent : Mr.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.184 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), 427, 379, 506(i) IPC and Section 4 of TNPHW Act, in Crime
No.184 of 2021, seek anticipatory bail.



2. The case of the prosecution is that due to civil dispute, the petitioners damaged the pillars and the fence around the property of the defacto complainant. Hence the complaint.

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

4. The learned Government Advocate (Crl. side) appearing for the respondent police has produced the photographs of the demolished fence which is worth about Rs.70,000/- (Rupees Seventy Thousand Only) and opposed for grant of anticipatory bail on the ground that the investigation is yet to be completed.

5. Though it is claimed that the petitioners have damaged the fence to the tune of Rs.70,000/-, the photographs produced by the learned Government Advocate do not disclose the same. Hence, considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that it is a civil dispute, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, 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:

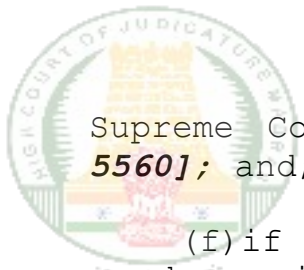
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(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]**; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

ssb

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, Vilathikulam.
- 2.-do-through The Chief Judicial Magistrate,
Thoothukudi District.
3. The Sub Inspector of Police,
Soorangudi Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15680 of 2021

Date :20/10/2021

RD/JM/SAR-I(26.10.2021) 3P 5C