



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/11/2021

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.17731 of 2021**

1. Duraisamy
2. Vivekandan
3. Karthick
4. Veerappan

... Petitioners/Accused  
No.1 to 4

Vs

State rep.by  
The Inspector of Police,  
Thogamalai Police Station,  
Karur District.  
(Crime No.502/2021).

... Respondent/Complainant

For Petitioners: M/s.A.Thiyagarajan, Advocate.

For Respondent : M/s.S.S.Madhavan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.502 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 427, 506(i) IPC, in Crime No.502 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 24.10.2021, the petitioners have trespassed into the property of the *defacto* complainant, abused him with filthy language and damaged the pipe line. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. He would also submit that the petitioners are not having any previous case and no one was injured in the incident.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners had caused damages to the pipe line of the *defacto* complainant and investigation is not yet completed. He would further submit that no one was injured in the occurrence.

5.Considering the facts that there existed money transaction dispute between the parties, that no one was injured in the incident and that except the offence under Section 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Kuzhithalai, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners shall deposit a sum of Rs.5,000/- **(Rupees Five Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

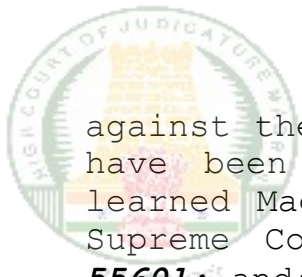
(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(d)the petitioners shall not tamper with 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]**; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-  
16/11/2021

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

PNM

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,  
KUZHITHALAI.
2. -DO- THROUGH  
THECHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,  
THOGAMALAI POLICE STATION,  
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT, CHENNAI-9.

ORDER  
IN  
CRL OP(MD) No.17731 of 2021  
Date :16/11/2021