



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

Date : 18/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18027 of 2021

WEB COPY

1. Anthony Raj,
2. Raja @ Seemaraj,
3. Ramesh,

... Petitioners/Accused No.1 to 3

Vs

State Rep. By
The Inspector of Police,
Pettai Police Station,
Tirunelveli.
Cr.No.47/2020.

... Respondent/Complainant

For Petitioners : M/s.Samuel Gunasingh P,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.47 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 506(i), 294(b) and 427 IPC, in Crime No. 47 of 2020, seek anticipatory bail.

2.The case of the prosecution is that as per proceedings in PP.No.9/15,08,12,14,07 and 16/TNV/2017 dated 29.11.2018, the petitioners herein were directed to vacate the shops at Door No.7, 15, 19, 20, 30 and 26/9 situated at Pettai, that the property belongs to the Waqf and that the petitioners refused to vacate the same and prevented the defacto complainant to do his lawful duty. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the second petitioner herein has lodged the complaint against one Antony Raj and others and FIR came to be registered in crime No.46 of 2021 for the offences punishable under Sections 147, 148, 427, 294(b) and 506(ii) IPC on the same day and another FIR in Crime No.47 of 2020 came to be registered against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.Side) would submit that



the property has been recovered.

5.Considering the nature of the charges levelled against the petitioners and also considering the order passed by this Court in WP(MD)Nos.35284 to 35290 of 2019 and that no one was injured in this case as stated by the learned Government Advocate (Criminal Side), 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 No.V, Tirunelveli, 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 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;

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

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

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

sd/-

18/11/2021

/ 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.

WEB COPY

- TO
- 1.THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
 - 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18027 of 2021
Date :18/11/2021

SB/JM/SAR-II/24.11.2021/3P/5C