



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two
PRESENT

WEB COPY

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9624 of 2022

M.INBANATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHEEPURAM DISTRICT
(CRIME NO.162/2022)

[RESPONDENT]

For Petitioner : M/S KANCHI GV.MATHIAZHAGAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 447 IPC and 79(b) of the Tamil Nadu Hindu Religious and Charitable Endowment Act 1959 in Crime No.162 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case has been registered against the petitioner for an allegation that the land of the de facto complainant (Arulmigu Veertiruntha Perumal Thirukoil, Magaral village) leased out for agricultural purpose, which has been misused by the petitioner herein and further brickline has been damaged.

4. Considering the nature of the allegation and the plea of this petitioner, subject land was leased to the petitioner for a rent of Rs.5,000/- and there was no specific restriction that the land must be used only for cultivating purpose.

5. The learned counsel for the petitioner had also enclosed some receipt issued by the defacto complainant for the receipt of the rent, since there is dispute regarding the purpose for which land had been let out and in any event custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. II, Kanchipuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m. until further orders;

(d) the petitioner 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 has 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/-

27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KANCHIPURAM



2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S KANCHI GV.MATHIAZHAGAN Advocate on payment of
necessary charges Sr.6348

CRL OP.9624/2022

Date :27/04/2022

RVR 05/05/2022