



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10/02/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.2599 of 2022

1. Ranathive,
2. Suyambulingam,
3. Kalpana, ... Petitioners/Accused Nos.1 to 3

Vs

The State Rep. by,  
The Inspector of Police,  
Pattukottai Taluk Police Station,  
Thanjavur District.  
(Crime No. 69/2022).

... Respondent/Complainant

For Petitioners: Mr.G.Karuppasamy Pandiyan, Advocate.

For Respondent : Mr.R.Sivakumar,  
Government Advocate (Crl.Side)

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

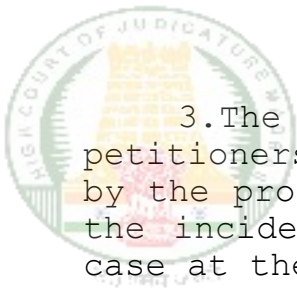
PRAYER :-

For Anticipatory Bail in Crime No.69 of 2022 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 294(b), 448, 427, 506(i), 379 IPC in Crime No.69 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there existed pathway dispute between the parties and due to that on 12.01.2022, the accused persons trespassed into the compound wall of the *defacto* complainant, caused damage to the iron gate and took away the same and also abused and threatened the *defacto* complainant. 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 no one was injured in the incident and that the petitioners are not having any previous case at their credit.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is not yet completed and that no one was injured in the incident.

5.Considering the facts that there existed pathway dispute between the parties and also the facts that no one was injured in the incident, that except the offence under Section 506(i), 379 IPC, all other offences are bailable in nature and that the petitioners are not having any previous case, 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, Pattukottai, 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.10,000/- (Rupees Ten Thousand only) each to the credit of the Crime No.69 of 2022, before the Trial Court, within a period of two weeks from the date of receipt of the order copy;

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 first & second 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 and the third petitioner shall report before the respondent police, 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 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;

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

sd/-  
10/02/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.)  
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,  
PATTUKOTTAI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
PATTUKOTTAI TALUK POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.2599 of 2022  
Date :10/02/2022

PKP/JM/SAR-3/18.02.2022/3P/5C