



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4809 of 2022

Jesus Antony Xavier

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.82/2022)

... Respondent/Complainant

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

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

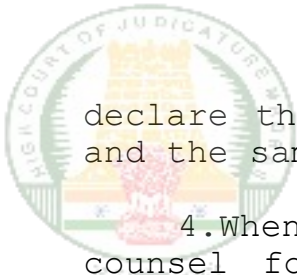
PRAYER :-For Anticipatory Bail in Crime No.82/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 427, 506(ii) and 379 IPC, in Crime No.82 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had unlawfully assembled with deadly weapons and trespassed into the de-facto complainant's garden and caused damage to the CCTV, Pipe, Internet connection and hard disk and also caused loss to the tune of Rs.1,00,000/-. When the same was questioned by the de-facto complainant, all the accused abused him in filthy language and at that time, cash of Rs.1,00,000/- was also found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there existed land transaction dispute and that the petitioner has
<https://hcservicesadvisors.gov.in/hcservicesadvisors> civil suit against the de-facto complainant to



declare that the sale deed alleged to have taken is null and void and the same is pending.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an affidavit sworn by the petitioner, wherein, he has specifically undertaken to deposit a sum of Rs.25,000/- to the credit of Crime No.82 of 2022 on the file of the learned Judicial Magistrate Court, Sathankulam, Thoothukudi District, without prejudice to his rights and contentions.

5. The learned Government Advocate (Crl.Side) would submit that no one has been injured in this case and that the petitioner is having no previous cases.

6. Considering the facts that there existed civil dispute between the parties, that no one has been injured in this case, that except the offence under Section 506(ii) and 379 IPC, all other offences are bailable in nature and also the fact that the petitioner is not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.82 of 2022 on the file of the learned Judicial Magistrate Court, Sathankulam, Thoothukudi District, within a period of two weeks from the date of receipt of a copy of this order.

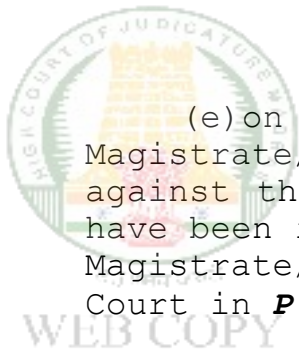
8. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Sathankulam, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(d) the petitioner shall not abscond either during investigation



(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/-

29/03/2022

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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.

TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.DEVID GANESAN, Advocate (SR-2656[I] dated 29/03/2022)

ORDER

IN

CRL OP(MD) No.4809 of 2022

Date : 29/03/2022

SJI

MK/VR/SAR.I/05.04.2022/3P/6C