



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2022
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.5293 of 2022

M.Anthony Kamalraj @ Mariakamal ... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Lalgudi Police Station,
Tiruchirappalli District.
(Crime No. 62 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Sethu Mahendran.S,
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. 62 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

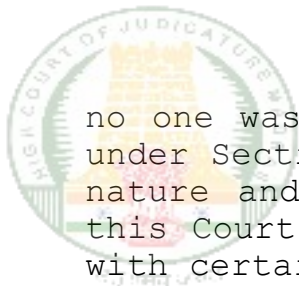
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 447, 323, 506(1) and 379 IPC, in Crime No.62 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the petitioner along with other accused persons trespassed into to the defacto complainant's premises and took away the building materials and also attacked one servant namely, Senthil. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the accused 1 and 2 have filed a suit in O.S.No.367 of 2021, against the defacto complainant and three others for recovery of Rs.41,21,350/- and the same is pending on the file of the Principal District Court, Trichy.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that no one was injured in this case.

5.Considering the facts and circumstances of the case and also the facts that there existed civil dispute between the parties, that



no one was seriously injured in this case, that except the offence under Section 506(1) and 379 IPC, all other offences are bailable in nature and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchirappalli 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 respondent Police or to 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 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 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/-

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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 JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI

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

3 THE INSPECTOR OF POLICE
LALGUDI POLICE STATION, TIRUCHIRAPPALLI DISTRICT

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

ORDER

IN

CRL OP(MD) No.5293 of 2022

Date :29/03/2022

SS/PN/SAR:II/05.04.2022 : 3P/5C