



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5676 of 2022

Thamarai Selvam

... Petitioner

Vs

The State rep.by
The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
(Cr.No.329/2021) .

... Respondent/Complainant

For Petitioner : M/s.PANDIAN.M,
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.329 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

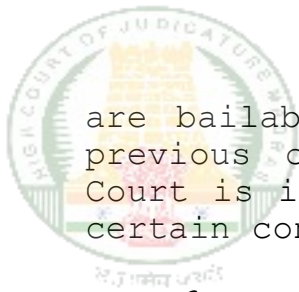
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 290, 427 and 379 IPC, in Cr.No.329 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 28.09.2021, when the respondent police was in routine rounds at that time, the petitioner was found damaging 10 Palmyra Trees, which were standing in the Government Poramboke Land. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioner and also the fact that no one was injured in this case, that except the offence under Section 379 of IPC, all other offences



are bailable in nature and that the petitioner is not having any previous case for similar offence or for property offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Kovilpatti.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, 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 learned Magistrate may obtain a copy of their Aadhaar 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 the evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioners 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/03/2022

/ TRUE COPY /

/ /2022
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 NO.II
KOVILPATTI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEFF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.PANDIAN.M., Advocate SR.No.2646

**ORDER
IN**

CRL OP(MD) No.5676 of 2022
Date :28/03/2022

SA/VR/SAR.1/04.04.2022/3P/7C