



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.5919 of 2022

A.Velmurugan ... Petitioner/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
(Cr.No.28/2022).

... Respondent/Complainant

For Petitioner : M/s.Karthick.R.J.,
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.28 of 2022 on the file of the
Respondent Police.

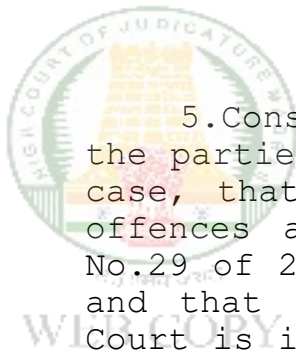
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 143,
447, 427 and 506(i) IPC, in Cr.No.28 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused had trespassed into the de-facto complainant's property and
caused damage to his property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
de-facto complainant has executed a registered sale agreement in
favour of the petitioner and subsequently, there arose disputes
between them and that the civil suit in O.S.No.703 of 2021 for
specific performance of sale agreement has been filed and is pending
before the Principal District Munsif Court, Dindigul. He would
further submit that the counter case in Crime No.29 of 2022 is
pending against the de-facto complainant and party.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent would submit that no one has been injured in this case
and no previous case is pending against the petitioner.



5.Considering the fact that there existed civil dispute between the parties and also the facts that no one has been injured in this case, that except the offence under Section 506(i) IPC, all other offences are bailable in nature, that the counter case in Crime No.29 of 2022 is pending against the de-facto complainant and party and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, 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 Court No.II, Dindigul, 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 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 Inspector of Police, Town North Police Station, Dindigul District, 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/-
31/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI

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,
DINDIGUL.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KARTHICK R.J. Advocate SR.No.2876

ORDER
IN
CRL OP(MD) No.5919 of 2022
Date :31/03/2022

SS/SVR/SAR:IV/06.04.2022 : 3P/7C