



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

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The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15189 of 2022

1. Maharajan
2. Durgai Muthu

... Petitioners/Accused 2 & 3

Vs

The State Rep. By,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(Crime No. 166 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

For Respondent : Mr.M.Veerendhiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 166 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 506(ii) and 379 of IPC, in Crime No.166 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant came to know that some unknown persons were illegally taking sand from his land. When he went to the spot and questioned about the incident at the drivers of the lorries, the petitioners and others abused the defacto complainant in filthy language, attempted to dashed the lorries against him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that since the



complainant was not able to catch the person, who took soil from his land, on mistake of identity, he abused the petitioners. Even though the petitioners explained him that they did not take any soil from his land, he was not convinced and registered the present complaint.

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4.The learned Government Advocate(Crl.Side) would submit that the first accused was already arrested and thereafter, released on bail. The first petitioner is having four previous cases and the second petitioner is having three previous cases. He would further submit that the investigation is going on.

5.Considering the facts and circumstances of the case and also considering the nature of offence and also the fact that the co-accused was already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) **each to the credit of the Chief Justice Relief Fund, payable in Accounts Section of the High Court Registry, Madurai Bench of Madras High Court, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt before the Judicial Magistrate No.III, Tirunelveli.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of their 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 No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2022

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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 NO.III, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.LENIN KUMAR.T, Advocate (SR-10345[I] dated 22/09/2022)

ORDER

IN

CRL OP(MD) No.15189 of 2022

Date :21/09/2022

USK/VR/SAR-I/29.09.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>