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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2022

PRESENT

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

CRL OP(MD). No.16639 of 2022

1. Palpandi

2. Ganesan

3. Durachi

4. Singadurai

5. Ayyanar

... Petitioners/Accused Nos.1 to 4 & 6

Vs

The State rep.by,
The Inspector of Police,
Theverkulam Police Station,
Tirunelveli District.
Crime.No.112 of 2022.

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.112 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 and A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 427, 294(b) and 506(ii) IPC, in Crime No.112 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the de-facto complainant's property and also caused damage to his trees. When the same was questioned by the de-facto complainant, the petitioners abused the de-facto complainant in



filthy language and attacked him with a log and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that with regard to the disputed property and also a second appeal in S.A.No.449 of 2012 is also pending between the parties. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners attacked the defacto complainant with a log and also caused damage to the de-facto complainant's trees worth about Rs.30,000/-. He would further submit that the petitioners are having one previous case and no one has been injured in this case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.112 of 2022 before the learned Judicial Magistrate No.III, Tirunelveli, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on 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 learned Magistrate concerned and on further conditions that:

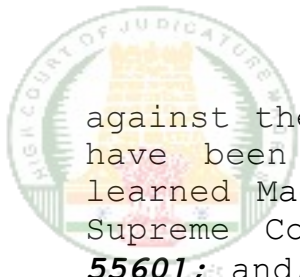
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 court is 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;

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(f)if the accused thereafter abscond, 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.

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.III, TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
THEVERKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KUMAR M Advocate SR.No.10121

ORDER

IN

CRL OP(MD) No.16639 of 2022

Date :16/09/2022

RK/SVR/SAR-II (20/09/2022) 3P/6C