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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

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

CRL OP(MD). No.17037 of 2022

1. Samuel,

2. Gnanaselvam, ... Petitioners/Accused Nos. 2 & 3

Vs

State Rep.by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
Crime No.171 of 2022..

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan, Advocate.

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

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

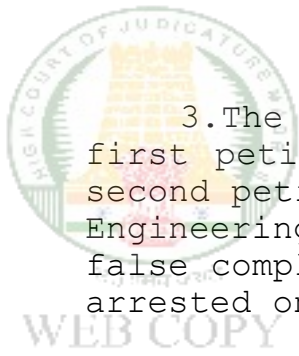
PRAYER :-

For Anticipatory Bail in Crime No.171 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), 427, 379 and 506(ii) IPC, in Crime No.171 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the de-facto complainant and one Gnanamuthu, on 09.09.2022, the said Gnanamuthu along with two unknown persons trespassed into the de-facto complainant's land, damaged the water pipes, 5HP motor pump, motor room, compound wall and left the place by carrying deadly weapons. Hence the complaint.



3.The learned counsel for the petitioners would submit that the first petitioner is working at Co-operative Bank, Peikulam and the second petitioner is working as Assistant Professor at Jeyaraj Nadar Engineering College and in order to disturb their peaceful job, the false complaint has been given. He would further submit that A1 was arrested on 19.09.2022 and still in judicial custody.

4.The learned Government Advocate(Crl.Side) would submit that the first petitioner/A2 name was deleted from the FIR and no recovery was made from the second petitioner and no previous case is pending against him.

5.Since the first petitioner/A2 name was deleted from the FIR, this petition is dismissed as against the first petitioner is concerned.

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

7.Accordingly, the second petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.171 of 2022 before the learned Judicial Magistrate, Sathankulam**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Court concerned.

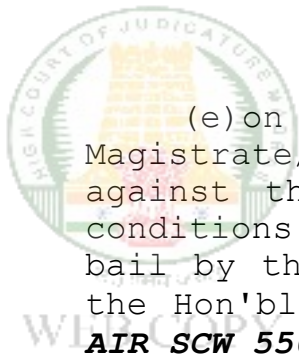
7.On production of such receipt, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 second 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 second petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-
22/09/2022

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/10/2022
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,
SATHANKULAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.PON KARTHIKEYAN R, Advocate (SR-10397[I] dated 22/09/2022)

ORDER
IN
CRL OP(MD) No.17037 of 2022
Date :22/09/2022

PKP/VR/SAR /03.10.2022/3P/6C

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