



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2022
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17686 of 2022

- 1.G.Flavian @ Flaidian
- 2.Rajanayagam
- 3.Pasupathy @ Jegapathi
- 4.A.Sirumalar
- 5.Antony @ Antony Raj
- 6.Swamynathan @ Samynathan
- 7.A.Mariyadoss ... 1 to 7 Petitioners/1 to 7 Accused

Vs

State through
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District
(Crime No.142/2022).

... Respondent/Complainant

For Petitioners : M/s.S.Sarvagan Prabhu
Advocate.
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

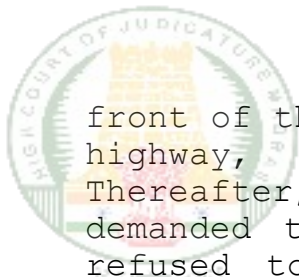
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.142/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 447, 427, 379(NP) & 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022, in Crime No.142 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband is having a landed property at Muthalakuruchi, Vitilapuram. When the first accused tried to construct a building in



front of the land belonging to the defacto complainant in a highway, the same was agitated by the defacto complainant. Thereafter, the first accused approached the defacto complainant and demanded to sell the property. The defacto complainant's husband refused to do so. Having grudge over the act of the defacto complainant's husband, the fence of the said property was damaged by the first accused along with the other accused persons. On 24.09.2022, having knowledge about the act of the accused persons, the defacto complainant and her husband gave a complaint before the respondent police.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

5. The learned counsel appearing for the intervenor raised objections stating that when the defacto complainant was at Chennai, the fence worth about Rs.3,00,000/- covered by her was damaged and that they often caused nuisance to the defacto complainant who is aged about 55 years.

6. The petitioners through his counsel give an undertaking before the trial court that they will not cause any kind of hindrance or nuisance to the defacto complainant with regard to enjoyment of her property until it is solved by the jurisdictional court in the manner known to law.

6.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners and recording the undertaking of the petitioners that they will not cause any kind of hindrance or nuisance to the defacto complainant with regard to enjoyment of her property until it is solved by the jurisdictional court in the manner known to law, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and 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.2, Srivaikundam, Tuticorin District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhaar card or bank pass book to ensure their identity.



[b] Without prejudice to their contention in the trial, the petitioners shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.142 of 2022.

[c] the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

sd/-

06/10/2022

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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.II,
SRIVAİKUNDAM, TUTICORIN DISTRICT.
 - 2 DO THROUGHTHE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-11043[I] dated 07/10/2022)

ORDER IN

CRL OP(MD) No.17686 of 2022

Date :06/10/2022

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MK/SVR/SAR.I/11.10.2022/3P/6C

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