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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/10/2022

PRESENT

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

CRL OP(MD). No.17788 of 2022

1. Santhanam @ Santhanadevan

2. Muniyappan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by

The Inspector of Police,

O/o.The Inspector of Police,

Dindigul Taluk Police Station,

Dindigul District.

(In Crime No.543/2022).

... Respondent/Complainant

For Petitioners : M/s.Rajaselvan.R, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

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

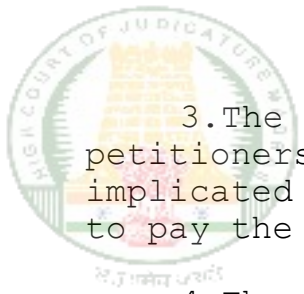
PRAYER :-

For Anticipatory Bail in Crime No.543/2022 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 447, 294(b), 323, 392 & 506(i) of IPC in Crime No.543 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working at HDB Financial Service Ltd for the past five years. The defacto complainant has let out his land in Survey No.100 to V.Varadharajan Yard, wherein they park their vehicle. One Paraman was serving as a watchman at the yard. On 11.08.2022, at about 05.11 pm., the said Paraman called the defacto complainant and informed that two unknown persons were standing outside the yard and abused the watchman with filthy language. Thereafter, they were said to be trespassed into the yard and grab the gate key from the watchman and took the JCB. Hence, the complaint.



3.The learned counsel for the petitioner submitted the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that they are ready to pay the amount in installments.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending. He further submitted that the property is not yet recovered.

5. As per FIR, the petitioners had failed to pay the amount in installments and the vehicle was taken away by the petitioners.

6.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, 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.1, Dindigul, 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]the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m.,for a period of six weeks.

[c]the petitioners shall not tamper with the 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]**.

8.Since the dispute is civil in nature, this Court directs the petitioners and the defacto complainant to appear before the Mediation Centre at Dindigul. The Mediator shall conduct the



Mediation between the parties for atleast three sittings to resolve the dispute between the parties. If the petitioners/accused persons fail to co-operate for mediation, the order now passed by this Court will stand vacated automatically.

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.I, DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, O/O.THE INSPECTOR OF POLICE,  
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,  
MEDIATION CENTRE, DINDIGUL.

ORDER

IN

CRL OP(MD) No.17788 of 2022

Date :06/10/2022

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RS/SVR/SAR.1(10.10.2022) 3P-6C