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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.18436 of 2022

1. Sundararajan

2. Jayaprakash @ Jayaprakasan ... Petitioners/Accused 1 & 2

Vs

1.The State rep.by,
The Inspector of Police,
Kulithalai Police Station,
Kulithalai,
Karur District.
(Crime No.536/2022).

... Respondent/Complainant

2.Mathi

...Intervene Petitioner/
Defacto Complainant
in CRL MP(MD)No.12599 of 2022

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

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

For Intervenor : Mr.K.Arunraj, Advocate

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

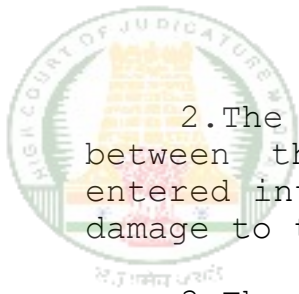
PRAYER :-

For Anticipatory Bail in Crime No.536/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 447 and 506(I) IPC, in Crime No.536 of 2022, seek anticipatory bail.

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



2.The case of the prosecution is that due to land dispute between the parties, the petitioners along with other accused entered into the de-facto complainant's agricultural land and caused damage to the pipelines. Hence the complaint.

3.The learned counsel for the petitioners would submit that due to civil dispute, a false case was foisted against the petitioners and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the de-facto complainant also lodged a similar complaint against the petitioner in Crime No.300 of 2022 and in that case, the petitioner was also granted anticipatory bail. He would further submit that the counter case in Crime No.531 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners along with other accused entered into the de-facto complainant's agricultural land and caused damage to the pipelines. He would further submit that the petitioners are having one previous case and the investigation in this case is pending. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed this petition stating that the petitioners are continuously threatening the de-facto complainant and also caused damage to the pipelines.

6.Considering the facts and circumstances of the case and also considering the fact that civil dispute is pending between the parties and also the fact that one case is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 Court No.II at Kulithalai, Karur District, 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 Inspector of Police, Jeeyapuram Police Station, Trichy daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness with the police 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/-

18/10/2022

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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj i

TO

1. THE JUDICIAL MAGISTRATE COURT NO.II ,
KULITHALAI, KARUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KULITHALAI, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-11601[I] dated
18/10/2022)

ORDER

IN

CRL OP(MD) No.18436 of 2022

Date : 18/10/2022

RK/GB/SAR-1 (26/10/2022) 3P/6C