



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/10/2022
PRESENT

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

CRL OP(MD). No.18358 of 2022

1. Padmanaban
 2. Ancilin Denil @ Akshil Benish
 3. Backianathan
 4. Pitchai
- ... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari Police Station,
Kanyakumari District.
Cr.No.463/2022.

... Respondent/Complainant

For Petitioner : M/s.Laxman K.R.,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.463/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) and 506(1) IPC in Crime No.463 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners trespassed into the de-facto complainant's property, abused the de-facto complainant in filthy language and threatened him with dire consequences and also caused damage to the compound wall worth about Rs.30,000/-. 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 they are innocents and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to civil dispute between the parties, the petitioners trespassed into the de-facto complainant's property, abused the de-facto complainant in filthy language and threatened him with dire consequences and also caused damage to the compound wall worth about Rs.30,000/-. The petitioners are having no previous case. The investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that civil dispute is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.1,000/- (Rupees One Thousand only) each to the Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court No.1, Kuzhithurai.

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 Court No.1, Kuzhithurai, 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:

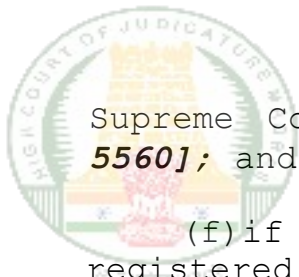
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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) 5560J]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANNIYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE
INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROADM SUNDARARAJANPATTI, MADURAI.

+1. CC to M/S.LAXMAN K.R. Advocate SR.No.11492

ORDER

IN

CRL OP(MD) No.18358 of 2022
Date :14/10/2022

SJI

SA/SBN/SAR.1/20.10.2022/3P/7C