



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18547 of 2022

1.Sri Krishna Perumal

2. Chandra Babu,
(Wrongly Shown as Babu) ... Petitioners/Accused Nos. 1 and 2

Vs

The State represented by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.404 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Sukumar V,
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.404 of 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 offences punishable under Sections 447,
147, 341, 427, 294(b), 355 and 506(ii) of IPC, in Crime No.404 of
2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is having the land measuring to an extent of 66 cent in Survey
No.1793, Vadiveeswaram (South) Village, Kanyakumari District. The
petitioners and other accused entered into the defacto complainant's
property and tried to demolish the wall situated in the said
property. When the same was questioned by the defacto complainant,
the petitioners and other accused abused him in filthy language and
threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that there is a civil suit pending between the petitioners and the defacto complainant. With an intention to defeat the civil rights of the petitioners and to grab the petitioner's property, a false case has been foisted against the petitioners. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that no one sustained injuries in this occurrence and the petitioner is not having any previous case. He would further submit that investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that no one sustained injuries in this occurrence and the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of 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, Valliyoor, 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 respondent Police or to the Police Officer, who intends to arrest or 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 a.m., 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) AIR SCW 5560]**; and;



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

sd/-
19/10/2022

/ TRUE COPY /

WEB COPY

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SUKUMAR V Advocate SR.No.11687

ORDER
IN
CRL OP(MD) No.18547 of 2022
Date :19/10/2022

SS/GB/SAR II/02/11/2022/ 3P 6C