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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20050 of 2021

Cable Siva @ Siva : Petitioner/Accused No.5
Vs.

State rep.by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
(Crime No.637/2021). : Respondent/Complainant

For Petitioner : Mr.Suriliraja, P,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.637 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 380, 420, 427, 447 and 506(ii) IPC, in Crime No.637 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the petitioner along with other accused persons trespassed into to the defacto complainant's property, attacked him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

<https://hcservices.courtsgov.in/> The Learned Government Advocate (Criminal Side) appearing for



the respondent would submit that no one was injured in this case.

5.It is evident that the main dispute between the parties is with regard to the nature of the disputed document whether it was a sale transaction or a document, which was executed as a security for the land transaction and admittedly, civil suit in O.S.No.343 of 2019 is pending on the file of the Principal District Munsif, Lalgudi.

6.Considering the facts and circumstances of the case and also the facts that there existed civil dispute between the parties, that no one was seriously injured in this case, that A1 and A6 were already arrested and released on bail, that some of the accused were granted bail by the learned Principal Sessions Court, and that A2 and A8 were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2022

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

DAS

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,
LALGUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRUAI.

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-1610[I] dated 01/03/2022)

ORDER
IN
CRL OP(MD) No.20050 of 2021
Date :01/03/2022

PKP/SBN/SAR-3/04.03.2022/3P/6C