



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19379 of 2022

1. Hariharan @ Ariharan,
2. Sivakumar,

... Petitioners/Accused 1,2

Vs

The State rep.by
The Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
in Crime No.64/2022.

... Respondent/Complainant

For Petitioner : M/s.Anandakumar N,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.64/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 294(b) and 506(ii) IPC in Crime No.64 of 2022, seek anticipatory bail.

The case of the prosecution is that the petitioners destroyed the sugar cane crop planted by the de-facto complainant in his land to an extent of 1 ½ acres by ploughing the land with the help of a tractor and caused damage to the tune of Rs.1,50,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there is a land dispute pending between the parties, a false case was foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to land dispute pending between the parties, the petitioners destroyed the sugar cane crop planted by the de-facto complainant in his land, with the help of a tractor and caused damage to the tune of Rs.1,50,000/-. He would further submit that the petitioners are having no previous case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that 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 shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of **Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)** for the purpose of constructing Cancer Institute, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Keeranur.

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, Keeranur, 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) AIR SCW 5560]**; and;



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

sd/-
03/11/2022

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KEERANUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANDAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MDAURAI.

+1. CC to M/S.ANANDAKUMAR N Advocate SR.No.12354

ORDER

IN

CRL OP(MD) No.19379 of 2022
Date :03/11/2022

SJI
SA/VR/SAR.3/14.11.2022/3P/7C