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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/11/2022

PRESENT

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

CRL OP(MD) . No.20694 of 2022

1. K.Rajendran
2. Ponnathaal
3. Ramasamy

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Thuvarankurichi Police Station,
Tiruchirapalli District.
(Crime No.187/2022)

... Respondent/Complainant

For Petitioners : M/s.Sathiamoorthy M, Advocate

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

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

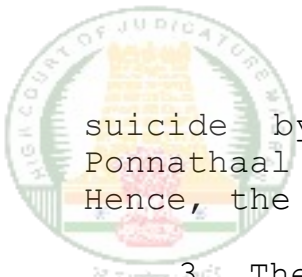
PRAYER :-

For Anticipatory Bail in Crime No.187/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353 and 309 of IPC, in Crime No.187 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the second accused Ponnathaal encroached the land in Survey No.79/6G, which was allotted to Ponnampatty Town Panchayat and on 02.11.2022, when the Executive Officer went to remove the encroachment, on the instigation of first accused, the accused attempted to commit



suicide by dowsing Kerosene and further, the second accused Ponnathaal consented to remove the encroachment before 07.11.2022. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the second petitioner is a bonafide purchaser and the above said property was in possession of second petitioner and her vendor for more than 39 years. With regard to the said property, the second petitioner filed a review petition before the Commissioner of Revenue Administration and the same is pending. During the pendency of the review petition, the defacto complainant started removing the living house of the second accused by disconnecting the electrical supply. At the scene of occurrence, only third respondent was present and never he attempted to commit suicide by dowsing kerosene. This allegation is totally imaginary and concocted for the removal of encroachment. He would further submit that the petitioners are innocents 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 when the executive Officer went to remove the encroachment, all the accused threatened the defacto complainant and also the third accused attempted to commit suicide by dowsing kerosene. The petitioners are not having any previous case. However, considering the gravity of the offence and the investigation in this case is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners. 5. Considering the facts and circumstances of the case and considering the nature of offence and also 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.

5. 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, Manaparai, 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 can be registered under Section 229-A IPC.

Sd/-

23/11/2022

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/12/2022

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

cp

TO

1. THE JUDICIAL MAGISTRATE,
MANAPARAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THUVARANKURICHI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHIAMOORTHY M Advocate SR.No.13527

ORDER

IN

CRL OP(MD) No.20694 of 2022

Date :23/11/2022