



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.21084 of 2022

1. Vijayakumar
2. Ramkumar

... Petitioners/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.251 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Balakrishnan R,
Advocate

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

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

PRAYER :-For Anticipatory Bail in Crime No.251 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 147, 148, 120(B), 447, 436, 294(b) and 506(ii) of IPC and Section 4 of the Prevention of Damages to Public Property Act, 1984, in Crime No.251 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband namely Raja approached the first accused namely Sivasankaran demanding Rs.42,000/- for the work done by him, at that time, there was a clash between them. Due to the aforesaid issue, at the instigation of Sivasankaran, fifteen persons from Nam Thamilar Party trespassed into the Thottichi Amman Temple and set fire on the shed, in which, the goods worth about Rs.7,00,000/- were stored and also the Hitachi vehicle belongs to the defacto complainant was also fired, which is worth about Rs.55,00,000/-. Thereafter, they threatened the watchman in the shed with dire consequences. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis>



3.The learned counsel for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners. They are innocents and they have not committed any offence as alleged by the prosecution. Further, A1 to A5 were arrested and thereafter, released on bail. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners and other accused caused damages to the properties worth about Rs.62,00,000/-. He would further submit that the petitioners are having one previous case and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the facts that co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.25,000/- (Rupees Thirty Thousand only) each to the credit of Crime No.251 of 2022 before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the concerned Court.

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 District Munsif cum Judicial Magistrate, Natham, Dindigul District, 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:

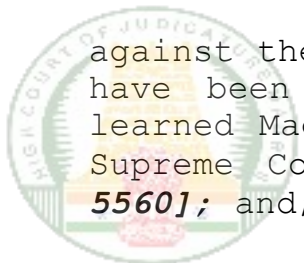
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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

sd/-
29/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NATHAM, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-14037[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.21084 of 2022
Date :29/11/2022

CP
MK/VR/SAR IV/13.12.2022/3P/6C