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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

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

CRL OP (MD) . No.21232 of 2022

Vijayan

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.251/2022).

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan R, Advocate.

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

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

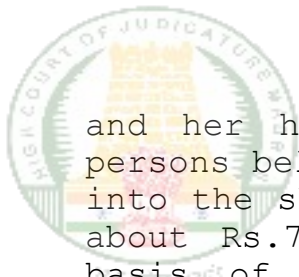
PRAYER :-

For Anticipatory Bail in Crime No.251/2022 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, 120(B), 447, 436, 294(b) and 506(ii) IPC and Section 4 of Prevention of Damages to Public Property Act, 1984 in Crime No.251 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that her husband applied 7 loads of sand to A1 worth about Rs.42,000/-. That was not paid by him. Her husband repeatedly demanded the above said money. On 24.07.2022, at about 02.00 p.m., he went to the house of A1 for collecting the said amount. Later, she was informed that there was an issue between A1



and her husband. In view of the above said issue, the accused persons belongs to one political party numbering about 15 trespassed into the shed of the temple and caused damage to the articles worth about Rs.7,00,000/- and also caused fire to JCB vehicle. On the basis of the above said occurrence, she was informed by the concerned person and she went to that place and the above said JCB was damaged in fire. Hence, the case has been registered against the petitioner and other accused.

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. He would further submit that A1 was already released on bail and A6 an A7 were already granted anticipatory bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl. Side) would submit that the articles worth about Rs.7,00,000/- and JCB vehicle was also severely burnt by the petitioner along with his associates. The petitioner is having no previous case. The investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that A1 was already released on bail and A6 an A7 were already granted anticipatory bail and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of Crime No.251 of 2022 before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 until further orders.



(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/-

01/12/2022

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/12/2022

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

sj i

TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.
2. -DO- THROUGH
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.

ORDER

IN

CRL OP(MD) No.21232 of 2022

Date :01/12/2022