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

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22058 of 2022

M.P.Udayakumar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
K.K.Nagar Police Station,
Trichy City.
(Crime No.1145/2022).

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B, Advocate

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

For Intervener : Mr.R.Laxman, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.1145/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 427, 294(b) and 506(ii) I.P.C, in Crime No.1145 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a civil dispute between the parties. Due to which, the accused caused damages to the compound wall, which belongs to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner submitted that there was a civil dispute between the parties, over which, a false complaint has been foisted against him. He is innocent and a false complaint has been registered against the petitioner. Only the defacto complainant has encroached upon the common pathway and constructed a compound wall, and prevented the petitioner to enter into the village. In this regard, a civil suit in O.S.No.236 of 2021 also filed by the petitioner, to remove the compound wall and he obtained a decree in his favour. Thereafter only the compound wall was removed. However, without prejudice to his rights and contentions, the petitioner is ready to deposit Rs.10,000/-, which is stated to be the value of the damaged wall. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused has caused damages to the compound wall of the defacto complainant, when the same was questioned by him, the petitioner had abused and criminally intimidated him. Hence, prays to dismiss the petition.

5.The learned counsel for the intervener submitted that the suit filed by the accused is a collusive one and behind the back of the intervener, he had demolished the compound wall. Hence, prays to dismiss the petition.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit amount, towards the cost of damaged wall, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall make a deposit of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1145 of 2022**, without prejudice to his rights and contentions, before the trial Court, on such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Tiruchirappalli**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

14/12/2022

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/12/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUCHIRAPPALLI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JAMEEL ARASU.B Advocate SR.No.14887

ORDER

IN

CRL OP(MD) No.22058 of 2022

Date :14/12/2022