



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**



CRL.O.P(MD)No.22420 of 2022

1.V.Rengaraj
2.Periyapandi
3.Murugan
4.Amutha

...Petitioners / Accused Nos.1 to 4

-vs-

The State represented by
The Inspector of Police,
Vadipatti Police Station.
(Cr.No.356 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.356 of 2022 on the file of the respondent Police.

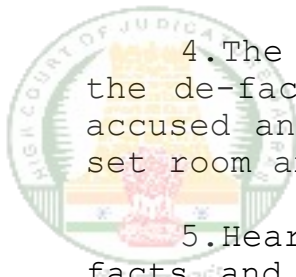
For Petitioners	:	Mr.B.A.Muruganantham Advocate.
For Respondent	:	Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 447 and 379 of IPC in Crime No.356 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that he is the cultivating tenant under the first accused and on 03.10.2022, the accused persons have broken the pump set room and took the pump set worth of Rs.60,000/-. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first accused is the owner of the property and the de-facto complaint is a cultivating tenant and even despite the lapse of the tenancy agreement, the de-facto complainant attempted to continue in the land and when it was questioned, he has given a false complaint. He would also submit that a case of a civil nature has been projected as a criminal case. He would also submit that as per the de-facto complainant, the motor belongs to the first accused.



4.The learned Government Advocate (crl.side) would submit that the de-facto complainant is the cultivating tenant under the accused and on 03.10.2022, the accused persons have broken the pump set room and took the pump set worth of Rs.60,000/-.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and on perusing the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Vadipatty, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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 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 everyday 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

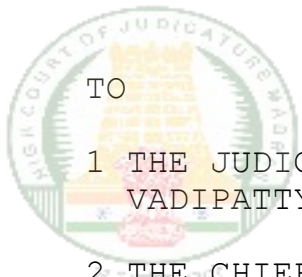
sd/-

19/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
VADIPATTY POLICE STATION,

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

+1 CC to M/s.MURUGANANTHAM.B.A., Advocate (SR-15124[I] dated
20/12/2022)

ORDER

IN

CRL OP(MD) No.22420 of 2022

Date :19/12/2022

cmr

MK/BUC/SAR 3/29.12.2022/3P/6C