



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD) . No.23334 of 2022

1. Anantha Ramakrishnan

2. Esakki

3. Rengasamy

4. Maharajan

... Petitioners/Accused Nos. 4 to 7

Vs

State Rep.by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.192 of 2019.

... Respondent/Complainant

For Petitioners : M/s.Suyambulinga Bharathi K, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.192 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 427, 447, 468, 471, 294(b), 506(ii) of I.P.C, in Crime No.192 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that originally the disputed property was belonged to the wife of defacto complainant. By suppressing the same, from the year 2003 onwards, the accused persons created sale deeds in respect of the same property and on 17.10.2019 and 18.10.2019, they trespassed into the disputed property and damaged the pillars and fencing erected



there. When the same was questioned by the defacto complainant, the accused persons abused him with filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since there was a property dispute between the parties. No one was injured in the occurrence. The co-accused were already released on anticipatory bail by the Court below. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, though no one was injured in the occurrence, due to property dispute, the accused persons abused and threatened the defacto complainant. Hence, prays to dismiss the petition.

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

6.Taking into consideration the facts and circumstances of the case and considering the fact that no one was injured in the occurrence and also the co-accused were already enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

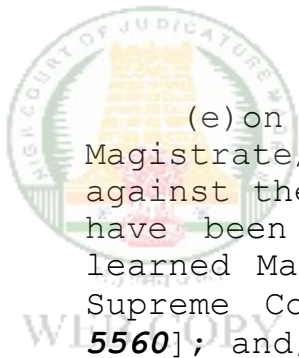
7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.III, Tirunelveli**, 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 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 learned 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 the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/12/2022

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29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/LR

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23334 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/5C