



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

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

CRL.O.P (MD) No.180 of 2023

Muthu

...Petitioner / Sole Accused

-vs-

The State represented by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(in Cr.No.398 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.398 of 2022.

For Petitioner	:	Mr.K.M.Karunakaran, Advocate.
For Respondent	:	Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 427 and 506(i) of IPC in Crime No.398 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner is the tenant under the de-facto complainant. While so, on 27.11.2022, the petitioner cut a tree in the premises rented to the petitioner by the de-facto complainant and when the de-facto complainant has questioned the same, the petitioner has threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and due to civil dispute, a false complaint has been given. He would submit that the property belongs to a Trust and only after obtaining necessary permission from the Trust, the petitioner had cut the tree. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the tenant under the de-facto complainant and on 27.11.2022, the petitioner cut a tree in the said premises. When the de-facto complainant has questioned the same, the petitioner has threatened him with dire consequences. He would oppose for grant of anticipatory bail to the petitioner.



5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Karaikudi 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 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., for a period of two weeks and thereafter, every Saturday 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]**.

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

sd/-
05/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.KARUNAKARAN.K.M Advocate SR.No.227.

ORDER

IN

CRL OP (MD) No.180 of 2023

Date :05/01/2023

cmr

MK/VR/SAR IV(19.01.2023) 3P 6C