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CRL MP(MD)



23

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

Wednesday, the Fifteenth day of March Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.510 of 2023

IN

CRL OP(MD) No.23222 of 2022

S.ABDUL CADER

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION,
THISAIYANVILAI,
TIRUNELVELI DISTRICT.
IN CRIME NO.337/2022.

... 1ST RESPONDENT/RESPONDENT

2 THILAGAR @ FRANCIS THILAGARAJ

3 POOMAGAL

4 FRANKLIN @ F.KILINDAN ... 2ND, 3RD & 4TH RESPONDENT/PETITIONERS

5 P.KADUVA MOORTHY ... 5TH RESPONDENT/DEFACTO COMPLAINANT
IN CR.NO.337/2022 OF 1ST RESPONDENT
POLICE STATION

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted to the 2nd,3rd and 4th respondents in Crl.O.P.(MD)No.23222 of 2022 of this Honble Court,dated 28.12.2022 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances..

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PANDIARAJAN.M, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the 1st Respondent and MR.K.SUDALAIYANDI, Advocate on behalf of the Respondent Nos.2 to 4, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the respondents 2 to 4 by this Court vide order dated 28.12.2022 made in CRL.O.P.(MD)No.23222 of 2022.



2.While granting anticipatory bail, this Court imp following 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, Radhapuram**, 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."

3.The learned counsel appearing for the petitioner submitted that though the respondents 2 to 4 herein duly complied with the conditions imposed by this Court, they set fire on the main door of the defacto complainant's house by throwing petrol wedded cloths. Therefore, the defacto complainant lodged a complaint before the 1st respondent, which has been registered in Crime No.1 of 2022 for the offence punishable under Section 438 IPC. In order to escape from the clutches of law, the respondents 2 and 3 and their family members conducted tharna in front of the 1st respondent Police Station. Therefore, another First Information Report has been registered as against them in Crime No.2 of 2022 by the 1st respondent.



4. Heard the learned counsel for both sides.

5. A perusal of the First Information Report registered in Crime No.1 of 2022 reveals that the 4th respondent herein alone is an accused. The allegations are that he set on fire on the house of the defacto complainant, for which no damage was caused. Therefore, the respondents 2 and 3 and their family members conducted tharna in front of the 1st respondent Police Station. That apart, both families have civil dispute in respect of the property. Therefore, this Court finds no substantial grounds to cancel the anticipatory bail granted to the respondents 2 to 4. According this Criminal Miscellaneous Petition stands dismissed. However, the 4th respondent alone is directed to report before the 1st respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, on the first and third Saturday of Every English Calender month at 10.30 a.m., until further orders.

sd/-

15/03/2023

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/03/2023

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

MYR

TO

- 1 THE JUDICIAL MAGISTRATE, RADHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THISAIYANVILAI POLICE STATION,
THISAIYANVILAI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.510 of 2023

IN

CRL OP(MD) No.23222 of 2022

Date :15/03/2023

RS/SBN/SAR-4 (23.03.2023) 3P 5C