



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD)No.793 of 2023

WEB COPY

Ramalingam

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Thennilai Police Station,
Karur District.
(in Cr.No.4 of 2023)

...Respondent

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.4 of 2023.

For Petitioner	: Mr.A.Joseph Jerry
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 379 of IPC in Crime No.4 of 2023 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 has caused damage to the tank bund and committed theft of 15 live trees from the Government land. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is the former President of the village panchayat and due to political animosity, on the instigation of the present Panchayat President, a false complaint has been given through the Assistant Engineer, Water Resources Department. He would further submit that the petitioner was in public service without any blemish for the past several years and he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner, who is the former Village Panchayat President, had caused damage to the tank bund and had also committed theft of 15



live trees weighing 25 tons worth of Rs.3,00,00/- . He would seek for grant of anticipatory bail to the petitioner.

5. In reply, the learned Counsel for the petitioner would submit that to show his *bona fide*, the petitioner is also ready to deposit a sum of Rs.1,00,000/- to the credit of crime number without prejudice to his rights and contentions before the Trial Court and he would seek for anticipatory bail to the petitioner.

6. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., and also in view of the fact that the petitioner is willing to deposit a sum of Rs.1,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of crime number without prejudice to his rights and contentions before the Trial Court and on production of receipt for deposit, 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 No.1, Aravankkuruchi, Karur District, 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



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

8. Merely, because the petitioner has deposited the amount as mentioned above, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-
12/01/2023

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

cmr

To

1. The Judicial Magistrate No.1, Aravankkuruchi, Karur District.

2. Do Through The Chief Judicial Magistrate, karur.

3. The Inspector of Police,
Thennilai Police Station,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. JOSEPH JERRY.A. ---, Advocate (SR-704[I] dated
12/01/2023)

CRL.O.P(MD) No.793 of 2023
12.01.2023

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