



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1357 of 2023

1. Manokaran @ Manokar

2. Ganesan @ Ganesamoorthi ... Petitioners/Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
Crime No.28 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Arun Prasad A,Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

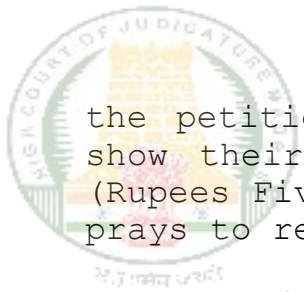
For Anticipatory Bail in Crime No.28 of 2020 on the file of the Respondent Police.

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 436, 506(ii) of I.P.C, in Crime No.28 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to land dispute between the parties, on 10.02.2020, at about 10.45PM, the petitioners came to the paddy field of the defacto complainant and set fire to the same 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. There was a land dispute between the parties. However,



the petitioners without prejudice to their rights and def to show their *bona fides*, ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime Number. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons set fire to the paddy field of 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 land dispute between the parties and also considering the readiness and willingness of the petitioners to deposit amount to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall deposit a sum of ***Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime Number 28 of 2020***, without prejudice to their rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioners, it would not amount to admission of guilt by them.

8.On such deposit being made, 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, Thirumayam, Pudukottai District***, 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:

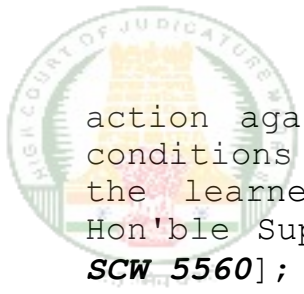
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent Police daily at 10:30 a.m., for a period of one week, thereafter, on every Saturday 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, a re 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/-

24/01/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

1.THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1357 of 2023

Date :24/01/2023

RK/SSS/SAR-3 (01/02/2023) 3P/5C