



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

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

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PRESENT

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

CRL OP(MD) . No.2064 of 2023

1. A.Shunmugaiah
2. Guruvammal
3. S.Vasanthamurugan

... Petitioners/Accused No.1 to 3

Vs

State Rep.by,
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.22 of 2023)

... Respondent/Complainant

For Petitioner : M/s.Sheik Abdullah M,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Arikaran

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

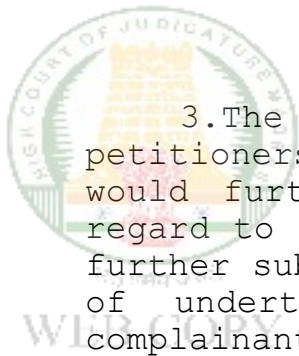
PRAYER :-

For Anticipatory Bail in Crime No.22 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 506(ii) and 379 of I.P.C., in Crime No.22 of 2023, on the file
of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had
criminally intimidated the de-facto complainant and after scolding
him with unparliamentary words, had illegally taken away 50 tractor
loads of sand from the de-facto complainant's agricultural land.
Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners and the de-facto complainant are close relatives. He would further submit that there is a dispute between them with regard to a property and a false complaint has been given. He would further submit that the first petitioner has also filed an affidavit of undertaking before this Court stating that the de-facto complainant is his relative, who is a retired Judicial Officer and that he has due respect for the retired Judge and he also undertakes to show due respect and act courteously towards the de-facto complainant and others in future and he has also agreed that they will not speak anything about the retired Judge to anybody in future.

4.The learned Government Advocate (Crl. side) would submit that even though the petitioners being relatives, have abused the de-facto complainant who is a retired Judge and they have also committed theft of sand from the agricultural land and hence, he would oppose for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that the petitioners joined together and not only intimidated the de-facto complainant, who is a retired Judge and they have also illegally taken away 50 tractor loads of sand from the de-facto complainant's agricultural land. Hence, he vehemently opposed for grant of anticipatory bail.

6.In reply, the learned counsel for the petitioner would submit that the sand has been taken from the Poromboke land. He would further submit that the first petitioner undertakes to abide by the affidavit of undertaking given before this Court and he will not interfere with the life of the de-facto complaint in future.

7.Heard. Perused the materials available on record.

8.Taking into consideration the affidavit of undertaking given by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, 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 Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners 1 and 3 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on the first Saturday of every month at 10.30 a.m., until further orders; and the second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with 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].

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

10.The affidavit of undertaking filed by the first petitioner shall form part of the Court records.

sd/-

14/02/2023

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/02/2023

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

SJI

TO

1. The Judicial Magistrate No.III, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.



CRL OP(MD)



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

+1. CC to M/S.SHEIK ABDULLAH M Advocate SR.No.2348(I)

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ORDER

IN

CRL OP(MD) No.2064 of 2023

Date :14/02/2023

NA/BUC/SAR-4/24.02.2023/4P/6C