



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2023

PRESENT

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

CRL OP(MD). No.2000 of 2023

1. Pandi

2. Ganesan

... Petitioners/
Accused Nos.1&7

Vs

The State rep.by,
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
Crime No.15 of 2023.

... Respondent/Complainant

For Petitioner : M/S.ANANTHA MURUGAN.S.M
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

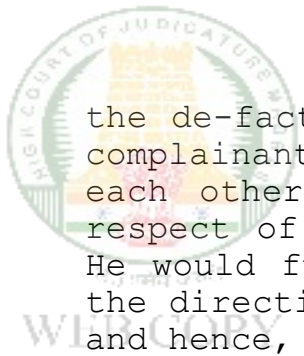
For Anticipatory Bail in Crime No.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 380, 451 and 506(2) of I.P.C., in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Mani, is that the accused had trespassed into the Coconut farm and committed theft of coconut and when the de-facto complainant and his son attempted to prevent them, they have assaulted with stones and hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners/A1 and A7 are innocents and a false complaint has been given by



the de-facto complainant. He would further submit that the complainant and the petitioners are owning coconut farms adjacent to each other and there is a civil dispute pending between them in respect of boundary and thereby, a false complaint has been given. He would further submit that the case has been registered based on the direction obtained from the Court under Section 156(3) of Cr.P.C and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the accused had trespassed into the coconut farm and committed theft of coconut and when the de-facto complainant and his son attempted to prevent them, they have assaulted with stones

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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.I, Srivilliputhur, Virudhunagar 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:

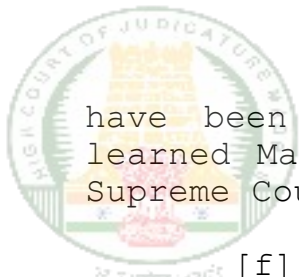
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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. 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/02/2023

/ TRUE COPY /

/02/2023

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

sj i

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNagar DISTRICT @ SRIVILLiputhur.
- 3 The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.ANANTHAMURUGAN, Advocate (SR-1702[I] dated
02/02/2023)

ORDER
IN
CRL OP(MD) No.2000 of 2023
Date :02/02/2023

RK/SAR-3 (10/02/2023) 4P/6C