



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

PRESENT

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

CRL.O.P(MD)No.2361 of 2023

WEB COPY

1.Karuppuchamy
2.Nachimuthu

...Petitioners/Accused 1 & 2

-vs-

The State represented by
The Inspector of Police,
Ambilikkai Police Station,
Dindigul District.
(Cr.No.11 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.11 of 2023 on the file of the respondent Police.

For Petitioners : Mr.D.Venkatesh, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 447, 294(b), 323, 427 and 506(ii) of IPC in Crime No.11 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a civil dispute, the accused persons have entered into the lands of the de-facto complainant and damaged the crops by using tractor and when it was questioned by the de-facto complainant, they abused the de-facto complainant in filthy language and also criminally intimidated him. Hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that civil disputes are pending between the parties and a false complaint has been given. He would further submit that the petitioners have not committed any offence, as alleged by the prosecution. Hence, he would seek for anticipatory bail to the petitioners.



4.The learned Government Advocate (crl.side) would submit that the accused persons have illegally entered into the lands of the de-facto complainant and also damaged the crops and pipe lines and abused the de-facto complainant in filthy language and also criminally intimidated him. He would further submit that the first petitioner has got five previous cases of similar nature and hence, he would seek for anticipatory bail to the petitioners.

5.At this juncture, the learned Counsel for the petitioner would submit that the petitioners are ready to deposit some amount to the credit of crime number, without prejudice to their rights and contentions.

6.Heard the learned Counsel. Taking into consideration the habituallity of the first petitioner in committing the crime and against whom, there are five cases previous cases pending, this Court is not inclined to grant anticipatory bail to the first petitioner.

7.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8.Accordingly, the second petitioner shall deposit a sum of Rs.25,000/- to the credit of crime number without prejudice to his rights and contentions and on production for proof for payment, 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, Oddanchatram, on condition that the petitioner shall execute 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:

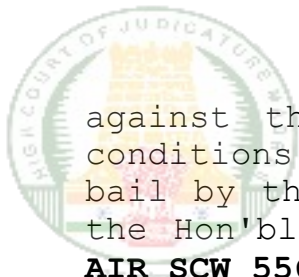
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, 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 second 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 second petitioner in accordance with law as the conditions have been imposed and the second petitioner 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.

sd/-

15/02/2023

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/02/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATAE,
ODDANCHATRAM.
 - 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
AMBILIKKAI POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VENKATESH.D Advocate SR.No.2431(I)

ORDER

IN

CRL OP(MD) No.2361 of 2023

Date :15/02/2023

VA/BUC/SAR-1/27.02.2023/2P/6C