



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

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

PRESENT

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

CRL OP(MD) . No.2465 of 2023

1. S.Arumuganainar

2. N.Satheesh

... Petitioners/Accused 2 and 3

Vs

The State rep. by,
The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
(Cr No.108/2021).

... Respondent/Complainant

For Petitioners : M/s.Selvan.T,

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

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

PRAYER :-

For Anticipatory Bail in Cr No.108/2021 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 147, 447, 427, 379, 294(b), 506(i) of I.P.C, in Crime No.108 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that on 08.05.2021 at about 11.00 a.m., the accused persons went to the defacto complainant's kalyana mandapam and trespassed into the office, damaged the door and took away the hard disk of the CCTV camera. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners are innocent and a false case was foisted against them, since there was a money dispute between the parties. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons had trespassed into the kalayana mandapam, caused damages to the door and took CCTV camera. Hence, prays to dismiss the petition.

5.At this juncture, the learned counsel for the petitioners submitted that there are seven accused in this case. Without prejudice to their rights and defence, to show their *bona fides*, ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime Number. Hence, prays to release the petitioners on anticipatory bail.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case and considering the money 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.

8.Accordingly, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime Number 108 of 2021**, 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.

9.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, Sathankulam, Thoothukudi 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 two weeks, the
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, 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

sd/-

07/02/2023

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/02/2023

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

PNM

TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2465 of 2023

Date : 07/02/2023

NA/BUC/SAR-I/21.02.2023/3P/5C

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