



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.03.2023

PRESENT

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The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.2632 of 2023

1. Justin Raj
2. Jayasingh
3. Johnson @ Mani

... Petitioners/Accused Nos.1 to 3

Vs.

The State represented by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.50 of 2023

... Respondent/Complainant

For Petitioners : Mr.S.Sivakumar
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenors : Mr.M.Karuppasamy
: Mr.M.R.Sreenivasan

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

PRAYER :-

For Anticipatory Bail in Crime No.50 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 332, 427, 342, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant is a Panchayat President. On 04.02.2023 at 2.15 a.m., the accused along with 15 persons switched off the street light and dismantle the concrete layer, which was put up by one Paulraj on the road to stop the drainage water to come to his house. Against which, Justin Raj filed W.P(MD)No.27652 of 2022 and same was dismissed. When the



authorities went to enforce the order of this Court, they, abused them in filthy languages and also assaulted. Hence, the complaint.

3. Heard both sides and perused the materials available on record:

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4. It is seen that the first petitioner filed a Writ Petition to remove the concrete layer put up by the private party. Though he lodged a complaint before the Panchayat and as such approached before this Court. Pending Writ Petition, the said ramb was removed and even thereafter, the petitioners switched off the street lights and damaged the road and CCTV put up by the Paulraj to the value of Rs.1.5 lakhs. However, the learned counsel for the petitioners submitted that the petitioners are ready and willing to deposit the amount of damage caused by them.

5. Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Panchayat Fund Account, Kollanchi Panchayat, Canara Bank, Nattalam Branch, Kanyakumari District (Account No.1693101011728), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Tirunelveli.

7. On production of such receipt/acknowledgment, 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 No.I, Kuzhithurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 10.00 a.m. without fail, 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]; and;

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

sd/-

10/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

THE OFFICER INCHARGE
PANCHAYT FUND ACCOUNT, KOLLANCHI PANCHAYAT,
CANARA BANK, NATTALAM BRANCH, KANYAKUMARI
DISTRICT.

- +1. CC to M/S.SIVAKUMAR S Advocate SR.No.3934
- + 1 CC TO Mr.M.Karuppasamy, ADVOCATE IN SR No.3924
- + 1 CC TO Mr.M.R.Sreenivasan, ADVOCATE IN SR No.3923

ORDER

IN

CRL OP (MD) No.2632 of 2023

Date :10/03/2023

SS/MMS/SAR II/28/03/2023/3P/9C