



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

PRESENT

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

CRL.O.P (MD) No.2824 of 2023

1.Muthupandi

2.Muthaih

... Petitioners/Accused Nos.1 & 2

-vs-

State through
The Inspector of Police,
Thenkarai East Police Station,
Theni District.
(Cr.No.46 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.46 of 2023 on the file of the respondent Police.

For Petitioners	: Mr.R.Maheswaran, Advocate
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 341, 353, 506(i) IPC in Crime No.46 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 the petitioner was the licence holder for the fishing lease of Thamaraiikulam Kanmoi and later for the year 2022-2023, auction has been conducted and another person has been selected as a lease holder. Hence, on the date of occurrence, the defacto complainant has instructed to remove the boats and other equipments of the petitioner and at that time, the petitioners along with the other persons restrained the defacto complainant and created chaos. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to a dispute regarding the lease hold rights, a false complaint has been given. He would also submit that the third accused in this case has been arrested and thereafter, he was enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (crl.side) would submit that the first accused is the lessee of the pond for fishing and he did not vacate after the lease period was over and when it was questioned by the officials, he has threatened them and he opposes to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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, Periyakulam, Theni District, on condition that the petitioners shall execute 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 everyday 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 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/-

23/02/2023

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/03/2023

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

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To

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THENKARAI EAST POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2824 of 2023

Date :23/02/2023

RS/BUC/SAR-1(09.03.2023) 3P 5C