



WEB COPY

CRL OP(MD).



23

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

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.3047 of 2023

1. Ramesh Kumar

2. Susi ... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
Crime No.36 2023. ... Respondent/Complainant

For Petitioner : M/s.Muniyandi.S,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

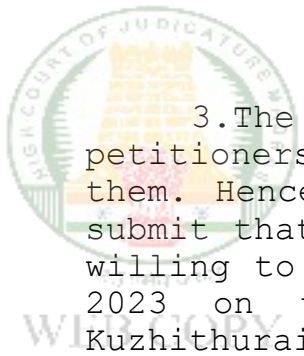
PRAYER :-

For Anticipatory Bail in Crime No.36 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 427 and 379 of I.P.C., in Crime No.36 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners and other accused have trespassed into the de-facto complainant's house and had taken away the boundary stones and also damaged the fence, which was belong to the de-facto complainant. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them. Hence, he would seek for anticipatory bail. He would further submit that the petitioners to show their *bona fides*, are ready and willing to deposit Rs.15,000/- each to the credit of Crime No.36 of 2023 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on account of a civil dispute, the petitioners and other accused have trespassed into the de-facto complainant's house and had taken away the boundary stones and also damaged the fence, which was belong to the de-facto complainant. Hence, he would object for grant of anticipatory bail.

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

6.Taking into consideration the facts and the submissions made by the learned counsels and that the petitioners are ready to deposit Rs.15,000/- each to the credit of Crime No.36 of 2023 before the trial Court, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.Accordingly, each of the petitioners shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.36 of 2023 before the learned Judicial Magistrate No.II, Kuzhithurai**, without prejudice to their rights and contentions before the trial Court and on such deposit being made, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on 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.II, 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 learned Magistrate concerned and on further conditions 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 four 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/02/2023

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/ 02 /2023

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

TO

1. The Judicial Magistrate No.II, Kuzhithurai.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.3047 of 2023

Date :16/02/2023

RD/SAR-II(27/02/2023) 3P 5C