



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

Date : 16/03/2023

PRESENT

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

CRL OP(MD) . No.4960 of 2023

Karuppuchamy

... Petitioner / Accused No.1

Vs

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

... Respondent / Complainant

For Petitioner : M/s. D.Venkatesh, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 11/2023 on the file of the Respondent police.

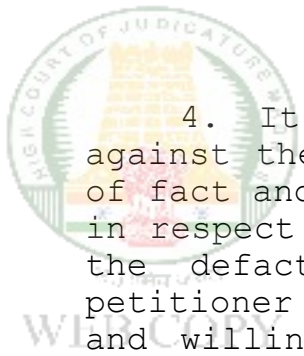
ORDER : The Court made the following order :-

The petitioner/A1, 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. The damage to the water pipes is worth about Rs.5,00,000/-. Hence, the case.

3. Heard both side and perused the materials available on record. It is reported that five previous cases are pending against the petitioner.

<https://www.mca21.org/>



4. It is seen that there are five previous cases against the petitioner in which three cases are closed as mistake of fact and other two cases ended in acquittal. It is also seen that in respect of very same property complaint has also been lodged by the defacto complainant. Further the learned counsel for the petitioner submitted that without prejudice to his right he is ready and willing to pay a sum of Rs.75,000/- to the damages caused. Further A1 is also granted anticipatory bail by this Court. Taking into consideration the facts and circumstances of the case and the fact and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is 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, Oddanchatram on condition that the petitioner shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 deposit the sum of Rs.75,000/- to the credit in crime number 11 of 2023 before the learned Judicial Magistrate, Oddanchatram without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 petitioner in accordance with law as if the conditions have been imposed and the 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]**; and;



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

sd/-
16/03/2023

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/ TRUE COPY /

/03/2023

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

AAV

To

1.The Judicial Magistrate,
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.D.VENKATESH, Advocate (SR-4535[I] dated 20/03/2023)

ORDER

IN
CRL OP(MD) No.4960 of 2023
Date :16/03/2023

ED/CG/SAR-2 (24/03/2023) 3P 6C