



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

Date : 10/04/2023

PRESENT

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

CRL OP(MD) . No.6482 of 2023

T.Senthil

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No.154/2023).

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan Ka,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.154 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the
respondent police for the offences punishable under sections 447,379
of IPC and section 3(1)(g), 3(2)(va) of SC/ST(PCR) Act in Crime No.
154 of 2023 on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution is that the defacto complainant
is a lessee with one Pitchammal for her agricultural lands and he
has sowed paddy in the field and on 08.03.2023 when he went to the
field he found that the crops were harvested in the night and on
enquiry he came to know that one Mariappan and Pitchammal with the
help of the above petitioner had harvested and taken away the crops
from the field, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the defacto complainant is the lessee of the land owned by the accused. While being so, he has cultivated paddy crops in the said land. While being so the owner of the property harvested paddy without the consent or knowledge of the defacto complainant. In so far as the petitioner is concerned he also stood there while they were harvesting the paddy. Admittedly the occurrence had happened place in the night on 07.03.2023 and when the defacto complainant visited the subject property on 08.03.2023 at about 7.30 a.m., he found that the entire paddy field was harvested. Though the dfacto complainant belongs to scheduled caste community, there is no allegation made out to attract the offence under SC/ST Act. Taking into consideration of the facts and circumstances of the case and also the fact allegation levelled against the petitioner custodial interrogation of the petitioner does not required in this case, hence 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned II Additional District Judge/Special Court for SC/ST(PCR) Court, Tirunelveli, Tirunelveli District 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 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 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 report before the respondent police daily at 10.30 am., 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 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.

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sd/-
10/04/2023

/ TRUE COPY /

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

AAV

TO

1. II Additional District Judge/
Special Court for SC/ST(PCR) Court,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.RAAMAKRISHNAN KA, Advocate (SR-5595[I] dated 10/04/2023)

ORDER
IN
CRL OP(MD) No.6482 of 2023
Date : 10/04/2023

NA/BUC/SAR-3/13.04.2023/3P/5C