



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

Date : 31/03/2023

PRESENT

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

CRL OP(MD) . No.6012 of 2023

1. Arul Godwin
2. Micheal Valan Arasu
3. Arockiasamy ... Petitioners / Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Ayigudi Police Station,
Tenkasi District.
(Crime No.10/2023).

... Respondent / Complainant

For Petitioners : M/s.Saravanan P, Advocate.

For Intervenor : M/s. Santhanam Rajesh Kumar, 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.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 447,427 and 379 of IPC in Crime No. 10 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 petitioners herein entered into the property of the defacto complainant and removed the fencing and gate and also taken away solid bricks, 300 coconuts, and motor worth about Rs.1,10,000/-, hence the case.



3. The learned Additional Public Prosecutor would submit that the first accused involved in five previous cases and there second accused involved in two previous cases. He would concede that those cases are for offences under sections 188 of IPC and 506(ii) of IPC.

4. The learned counsel for the intervenor would submit that if the petitioners are ready and willing to deposit the damaged amount, he has no objection in granting anticipatory bail to the petitioners.

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

6. Taking into consideration of the facts and circumstances of the case , this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

7. 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, Shencottai 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 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:

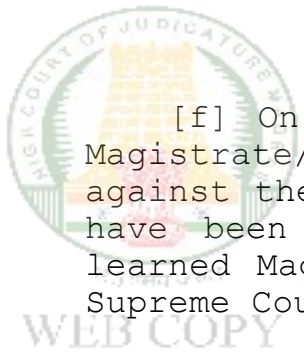
[a] the petitioners shall deposit a sum of Rs.1,50,000/- to the credit in Crime No.10 of 2023 on the file of the respondent police and on receipt of the same, the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] 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.

[c] the petitioners 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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/03/2023

/ TRUE COPY /

/04/2023

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

AAV

To

1.The Judicial Magistrate,
Shencottai.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Ayikudi Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High court, Madurai.

+1 CC to M/s.P.SARAVANAN, Advocate (SR-5324[I] dated 03/04/2023)

ORDER
IN
CRL OP(MD) No.6012 of 2023
Date :31/03/2023

ED/CG/SAR-2 (06/04/2023) 3P 6C