



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2023

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PRESENT

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

CRL OP(MD) . No.6257 of 2023

1.Manikkaraj

2.Muthupandi

3.Kajendran

... Petitioners/Accused No.1 to 3

Vs

The State rep., by
The Inspector of Police,
Panangudi Police Station,
Tirunelveli District,
Crime No.137 of 2023.

... Respondent/Complainant

For Petitioners : Mr.R.Anand, Advocate

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

For Intervenor : Mr.K.Sivabalan, Advocate

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

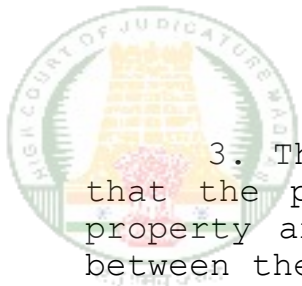
PRAYER :-

For Anticipatory Bail in Crime No.137 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, 294(b), 427 and 506(ii) of I.P.C in Crime No.137 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, the petitioners damaged the EB connection of the petitioner's property and stole his motor bump and also threatened him with dire consequences. Hence, the complainant.



3. The learned counsel appearing for the intervenor submitted that the petitioners had taken away motor bump from the disputed property and it is also admitted that there is civil suit pending between the parties in respect of subject property.

4. According to the petitioners, they are claiming ownership of the subject property in O.S.No.136 of 2022 and the petitioners filed a suit for injunction.

5. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

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 No.I, Tirunelveli, [since the defacto complainant is an Advocate and he is practising in same Bar within the jurisdiction of Judicial Magistrate, Valliyoor], 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:

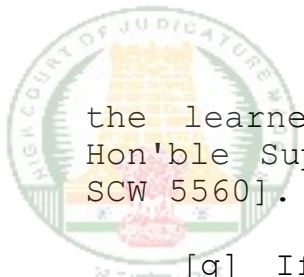
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the first petitioner alone 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. The petitioners 2 and 3 shall report before the respondent police 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 in 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/-

03/04/2023

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/04/2023

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

rmk

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
PANANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6257 of 2023

Date :03/04/2023

RK/SSS/SAR-3(10/04/2023) 3P/5C