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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.05.2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8538 of 2023

Nandhan

... Petitioner/Sole Accused

Vs.

State rep. ,by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.175/2023).

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony, Advocate
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.175 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 380, 427, 447 and 506(ii) of IPC, in Crime No.175 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner and the defacto complainant are the adjacent land owners. There was a pathway dispute between them and the same was compromised themselves. While that being so, the petitioner intentionally takes the defacto complainant's things like Electric motor and some constructions materials worth about Rs.2 Lakhs and also abused him using filthy language. Hence, the case was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case.



4. On the side of the prosecution, it is stated the petitioner is the sole accused. He trespassed into the defacto complainant's land and stolen materials worth about Rs.2 Lakhs. Previously, the petitioner also committed the same offence and agreed to pay the said amount, but failed to pay.

5. The learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.2 Lakhs to the credit of crime number.

6. In view of the above submission, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.175 of 2023 on the file of the respondent police**, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his 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, Thanjavur, Thanjavur 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 petitioners shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter, as and when required for interrogation;

(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**



55601; and;

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

sd/-

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

rmk

To

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE, THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC TO MR.A.JOEL PAUL ANTONY, ADVOCATE, SR-7228[I]

ORDER

IN

CRL OP(MD) No.8538 of 2023

Date :04/05/2023

RS/VR/SAR-4(08.05.2023) 3P 6C