



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

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9019 of 2023

1. Nethaji
2. Hari @ Hariharan
3. Prathiseeran @ Prathi Seelan
4. Natramilselvan ... Petitioners/Accused No.1 to 4
Vs

The State rep.by,
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.137 of 2023..

... Respondent/Complainant

For Petitioner : M/s.MUTHUVAI LLAYARAJA.K,
Advocate.

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate (Crl.Side)

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

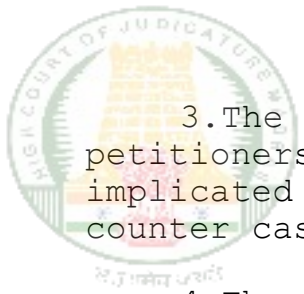
PRAYER :-

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, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 506(i) of IPC and Section 3 of Tamil Nadu Public Property
(Prevention of Damage and Loss) Act, 1992, in Crime No.137 of 2023,
seek anticipatory bail.

2.The case of the prosecution is that there was a civil
dispute between the petitioners and the defacto complainant. While
so, the accused persons trespassed into the property of the defacto
complainant and damaged the fence and the car glass belonging to his
friend and thatched house. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case in counter case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the the investigation is almost completed and it is a case in counter.

5.Considering the facts and circumstances of the case and also the nature of allegaionts levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the credit of Crime No.137 of 2023 before the learned Judicial Magistrate No.II, Ramanathapuram, without prejudice to their rights and contentions.

7.On such deposit being made, the petitioners are 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 No.II, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

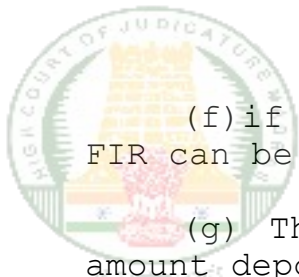
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with the 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 5560]**; and;



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

(g) The defacto complainant is permitted to withdraw the said amount deposited by the petitioners.

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sd/-
18/05/2023

/ TRUE COPY /

/05/2023

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

ssb

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MUTHUVAI LLAYARAJA, Advocate (SR-7554[I] dated
18/05/2023)

ORDER
IN
CRL OP(MD) No.9019 of 2023
Date :18/05/2023

RK/SAR- (26/05/2023) 3P/6C