



WEB COPY

No.1/91



II.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD) . Nos.10558 and 10577 of 2023

Prabhakaran,

... Petitioner/A1

in Crl.O.P.(MD)No.10558 of 2023

Kavinkumar,

... Petitioner/A2

in Crl.O.P.(MD)No.10577 of 2023

Vs

The Inspector of Police,
Thennilai Police Station,
Karur District.
Crime No.87 of 2023.

... Respondent/Complainant
in both petitions

For Petitioner (in Crl.O.P.(MD)No.10558 of 2023)
: M/s.Sathish Kumar K,
Advocate.

For Petitioner (in Crl.O.P.(MD)No.10577 of 2023)
: M/s.Ramesh Raja P T,
Advocate.

For Respondent (in both petitions)
: Mr.R.M.Anbunithi,
Additional Public Prosecutor

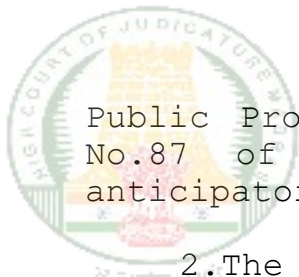
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.87 of 2023 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
201 and 489 of I.P.C. and 506(i) of I.P.C. and Section 3(3) of Tamil Nadu
Cr.P.C.



Public Property (Prevent of Damage and Loss) Act, 1992, No.87 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant along with three persons running a quarry in the name of Sri Venkatramanaswamy Blue Metal Crusher at Thennilai Keelpagam by obtaining permission from the Government. While being so, on 06.05.2023 at about 04.00 p.m., the accused persons came to the said quarry and taken photographs and videos and when the labours of the quarry questioned the same, the accused person threatened them. Thereafter on 03.06.2023 at about 10.30 p.m., the accountant of the quarry, namely, Ramalingam went to his home, the accused persons way laid him at Seelampatti Pirivu and threatened that 'if your owner would give a complaint against us, we will damage the road by using JCB'. Thereafter, the said accountant went to the quarry and on 04.06.2023 at about 05.30 p.m., when he returned to home after finishing work, he found that the accused persons damaged the road, which is used by public and them. Hence the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.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:

5.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 District Munsif cum Judicial Magistrate, Aravakurichi, Karur District, 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 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;

[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 5560].

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

sd/-
15/06/2023

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/07/2023

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

SJI

TO

1. The District Munsif cum Judicial Magistrate,
Aravakurichi, Karur District.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Thennilai Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-8876[I] dated 15/06/2023)

ORDER
IN
CRL OP(MD) No.10558
and 10577 of 2023
Date :15/06/2023

DL/ (03.07.2023) / 3P/6C