



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11874 of 2023

1. Ragunathan,

2. Neelamanikandan,

3. Mathan,

... Petitioners/Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.346 of 2023).

... Respondent/Complainant

For Petitioner : M/s.S.V.Vijay Prashanth,
Advocate.

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

For Intervenor : Mrs.S.Prabha, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.346 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 147, 447, 427, 294(b) and 506(1) of I.P.C., in Crime No.346 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally trespassed into the land of the de-facto complainant and used obscene words and caused damage to the CCTV camera on 20.06.2023. Hence, the case.



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

4.It is seen that there was a property dispute between the defacto complainant, who is none other than the brother's son of the first petitioner.

5.The learned counsel for the de-facto complainant would submit that the property, which was damaged by the petitioner, belongs to him.

6.It is also seen that the patta issued in favour of the petitioners and the same is under challenge before the Revenue Divisional Officer by the de-facto complainant.

7.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8.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.1, Dindigul, 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 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; and the second petitioner shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/06/2023

WEB COPY

/ TRUE COPY /

/07/2023

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

SJI

TO

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

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-10157[I] dated 04/07/2023)

ORDER
IN
CRL OP(MD) No.11874 of 2023
Date :30/06/2023

SS/VR/10/07/2023/3P/6C