



CRL OP(MD)No.15777 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.15777 of 2023

1.Lakshmanan

2.Komu @ Gomadhy

3.Palavesam

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
(Cr.No.129 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.S.Manthiralingeswaran,Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.129 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 294(b), 427, 506(i) IPC in Crime No.129 of 2023 on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that on 15.08.2023, when the defacto complainant was in his agricultural land, the accused persons trespassed into the same and cut the banana trees and they also threatened him by using filthy language. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocents and they have been falsely implicated in this case. The petitioners and the defacto complainant are family members. Due to property dispute, the present false complaint has been foisted as against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are family members and already there was civil dispute pending between them. Due to the same, the petitioners herein plucked the banana saplings, planted by the defacto complainant. He would further submit that no previous case is pending as against the petitioners.

5.Heard both side and perused the materials available on record.



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6.Considering the rival submissions on either side and considering the fact that there is civil dispute pending between the parties and also considering the fact that except 506(i) of IPC other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 Court No.II, Srivaikundam, Thoothukudi 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
31/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE JUDICIAL MAGISTRATE COURT NO.II,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

<https://www.mhc.tn.gov.in/judis>



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2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3.THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-13008[I] dated
31/08/2023)

ORDER
IN
CRL OP(MD) No.15777 of 2023
Date :31/08/2023

RK /VRS(11/09/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023