



CRL OP(MD)No.15924 of 2023

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

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL
CRL OP(MD)No.15924 of 2023

Selvi

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Alanganallur Police Station,
Madurai District.

In Crime No.295 of 2023

... Respondent/Complainant

For Petitioner : Mr.J.William Christopher, 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.295 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 336 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.295 of 2023 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD)No.15924 of 2023

WEB COPY

2.The case of the prosecution is that the defacto complainant is the Forest Range Officer. He picked up the son of the petitioner herein with regard to the grazing of goats in the reserve forest area. Hence, the petitioner herein and another accused prevented the jeep of the defacto complainant and also thrown stone at the mirror of the jeep and damaged the same. They have also snatched the key of the bike of the forester. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and she has been falsely implicated in this case. The petitioner only questioned the illegal activities of the defacto complainant. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant is the Forest Range Officer and he picked up the son of the petitioner herein, who was grazing his goats in the reserve area and hence, the petitioner and another accused picked up quarrel with the Forest Officer and also damaged his vehicle. Therefore, he strongly objected to grant anticipatory bail to the petitioner.

However, he fairly admitted that the petitioner is not having any previous cases.



CRL OP(MD)No.15924 of 2023

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 the petitioner is not having any previous cases and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vadipatti, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

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



CRL OP(MD)No.15924 of 2023

WEB COPY

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
01/09/2023

/ TRUE COPY /

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

gns

TO

1.THE JUDICIAL MAGISTRATE, VADIPATTI,.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



CRL OP(MD)No.15924 of 2023

3.THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15924 of 2023
Date :01/09/2023

RK/VR (11/09/2023) 5P /5 C

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