



CRL OP(MD). No.19302 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19302 of 2023

Chandrasekaran @ Chandrasekar

... Petitioner/ Accused

Vs

The Sub Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.457 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.S.Sivaram, 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.457 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the



CRL OP(MD). No.19302 of 2023

respondent police for the alleged offence punishable under Sections 294(b), 323, 379 and 506(i) of I.P.C. in Crime No.457 of 2023 on the file of the respondent police, seeks pre-arrest bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are adjacent land owners and there is a boundary dispute between them. On 18.10.2023, at 09.15 a.m., the petitioner trespassed into the defacto complainant land and tried to put up steel fencing. Defacto complainant prevented the petitioner from fencing. Hence, there arose wordy quarrel and petitioner attacked the defacto complainant by using hands and snatched his samsung cell phone and used abusive language against the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has permanent residence at Tirunelveli District and therefore, there is no possibility for absconding. He therefore sought for an order of pre-arrest bail.



CRL OP(MD). No.19302 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has committed the said offence against defacto complainant. He further submitted that the petitioner has no previous case. Investigation is not yet completed. At this stage of incompleteness of investigation, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and his son-in-law and thereby investigation may be delayed. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the materials available on record.

6. Petitioner and defacto complainant are adjacent land owners. They have boundary disputes. Petitioner has no previous case. Considering the nature of offence allegedly committed by the petitioner against the defacto complainant, this Court is of the considered view that custodial interrogation of the petitioner is not necessary to the investigating agency. Hence, this Court is inclined to grant pre-arrest bail to the petitioner, subject to the following conditions:

(i) Pre-arrest bail is granted to the petitioner.

(ii) The petitioner shall be released on bail in the event of his arrest or in the



CRL OP(MD). No.19302 of 2023

WEB COPY

event of his surrender before the Judicial Magistrate, Nanguneri, Tirunelveli within 15 days from today, on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Nanguneri, Tirunelveli.

(iii) The petitioner shall appear and sign before the respondent police weekly twice i.e., on every Monday and Friday at 10 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii) If the petitioner absconds, a fresh FIR shall be registered under Section 229A of IPC.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid



CRL OP(MD). No.19302 of 2023

down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283]**.

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

MBI

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.R.S.Sivaram, Advocate IN SR No.49149 dated 27/10/2023 (F)

ORDER
IN

CRL OP(MD) No.19302 of 2023

Date :26/10/2023

SS/JGB/SAR- /06/11/2023/5P/6C

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