



CrI.O.P.(MD) No.23547 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CrI.O.P.(MD) No.23547 of 2023

1.M.Deivam
2.M.Kannan
3.M.Arumugam

... Petitioners/ Accused Nos.1 to 3

Vs

State Rep by
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
(Crime No.374 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.RAMESH, Advocate

For Respondent : Mr.M.VEERANTHIRAN,
Government Advocate (CrI.side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioners/A1 to A3 in Crime No.374 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.



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2.The petitioners / A1 to A3, apprehend arrest at the hands of the respondent-police for the alleged offences punishable under Sections 447, 427, 294(b), 506(i) of 'The Indian Penal Code, 1860' (Act No.45 of 1860) [henceforth 'IPC'] in Crime No.374 of 2023 on the file of the respondent police.

3.The case of the prosecution is that on 07.10.2023, the Surveyor, Village Administrative Officer and President surveyed land in Survey No.74 at Melakuyilkudi, Madurai, West Taluk and laid boundary stones; that on 15.11.2023, the petitioners herein, removed the same; and that when the same was questioned by the defacto complainant, the accused persons abused the defacto complainant, uttered obscene words, and threatened him with dire consequences. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5.The learned Government Advocate (Crl.side) appearing for the respondent-police submitted that the respondent-police registered a criminal case against the petitioners in FIR in Cr.No.374 of 2023 for the offences punishable under Sections 447, 427, 294(b), & 506(i) of IPC and investigation is not yet completed. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.



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7. Except the offence punishable under Section 506(i) IPC, other offences are bailable in nature. The petitioners have permanent residence and have deep roots in the society. Admittedly, no injury has been caused to anyone in this case. Considering the dispute between the petitioners and the defacto complainant and the nature of allegations levelled as against the petitioners, this court is inclined to grant an order of pre-arrest bail to the petitioners with conditions. Accordingly, this petition is allowed. An order of pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.VI, Madurai within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai;

(ii) The petitioners shall appear and sign before respondent police daily at 10.00 a.m., until further orders;

(iii) 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 No.VI,



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Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall make themselves available for interrogation by police as and when required;

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioners shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
28/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.A.RAMESH, Advocate (SR-18390[I] dated 28/12/2023)

ORDER
IN

CRL OP(MD) No.23547 of 2023

Date :28/12/2023

SA/VR/SAR. /04.01.2024/5P/6C

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