



CRL OP(MD) No.260 of 2024

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.260 of 2024

1 M.KANAGARAJ

2 M.GANESAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.2/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.PONKARTHIKEYAN Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.2/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the



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respondent police for the alleged offence punishable under Sections 447, 294(b) and 506(i) IPC and Section 3 TNPPDL Act in Crime No.2 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing barbed wire fencing business and he was engaged by one Packiaraj to put up a barbed wire fencing for his agricultural land. Therefore, the defacto complainant brought 280 number of fencing stone and unloaded the same at Packiaraj land. While being so, he received phone call from the accused persons and they insisted him that before their arrival, fencing work should not be commenced. Since they are adjacent land owners, the defacto complainant accepted their request and waited for their arrival. However, the accused persons came and caused damage to 35 fencing stones, worth about Rs.11,900/-. Hence, the present case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that in fact, the defacto complainant only threatened the petitioners and also abused them and hence, the first petitioner preferred a complaint as against the defacto complainant and a case was also registered in Cr.No.237 of 2023 as against the defacto complainant. As a counter-blast, the present false complaint preferred by the defacto complainant and therefore, he prayed to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that there is no previous case pending as against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending as against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Nanguneri** 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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required;

(c)the petitioners shall report before the respondent police as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2024

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

GNS



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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-424[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.260 of 2024

Date :09/01/2024

SS/JGB/SAR- /19/01/2024/5P/6C

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