



CRL OP(MD) No.520 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.520 of 2024

A.SONAIMUTHU

... PETITIONER / ACCUSED No.1

Vs

**THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.129 OF 2023)**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESAN, 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. 129 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 alleged offence under Sections 147, 323, 379(NP), 506(1) of IPC and**

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Section 4 of TNPWH Act @ 323, 506(1) of IPC and Section 4 of TNPWH Act, in Crime No.129 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 04.10.2023, at about 04.00 p.m, when the defacto complainant was in her garden, she noticed that the petitioner along with other 4 persons standing near a two wheeler bearing Reg.No.TN-57-AU-4820 and noted the cows and goats in the garden. Since on 28.09.2023, a goat from the garden of the defacto complainant was found missing, she enquired them. At that time, they threatened her. Because of threat, she made an alarm. On hearing the same, nearby village persons came to that place and they also enquired them. The accused persons also attacked them and threatened them that they will kill them. Thereby, the defacto complainant made a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this is the third anticipatory bail petition. Earlier anticipatory bail petition in Crl.OP(MD)No.22578 of 2023 was dismissed by this Court on 14.12.2023. The co-accused were already released on anticipatory bail by the learned Principle District Judge, Dindigul and no one has sustained in the said occurrence. Hence, he prays for grant of anticipatory bail to the

petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that this is the third anticipatory bail petition. Earlier petition filed by the petitioner was dismissed by this Court on 14.12.2023 on the ground that he is a History Sheeted Rowdy. The petitioner is arrayed as A1 and having 2 previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. From the perusal of the FIR, there is no serious allegation is made against the petitioner. Based on the submissions made before this Court, earlier petitions were dismissed by this Court. In view of the real fact reveals from the FIR, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the Judicial Magistrate Court, Nilakottai, 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 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 petitioner 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

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stand automatically cancelled;

(b) the sureties shall affix his 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 his identity;

(c) the petitioner shall report before the respondent police as and required for interrogation;

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

(e) the petitioner 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 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]; and;

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

sd/-
11/01/2024

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

DSS
TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.VENKATESAN, Advocate (SR-674[I] dated 12/01/2024)

ORDER
IN
CRL OP(MD) No.520 of 2024
Date :11/01/2024

PKP/DD/SAR /22.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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